

— SC V. SLAGER – ROUGH DRAFT – 11-29-2016 —

1 THE WITNESS: Michael Slager, S-l-a-g-e-r.

2 BY MR. SAVAGE:

3 Q. May it please the Court:

4 THE COURT: Yes, sir.

5 Q. Good morning?

6 A. Good morning, sir.

7 Q. Are you the same Michael Thomas Slager that's been
8 charged with murder in this case?

9 A. Yes.

10 Q. On April 4 of 2015 while employed with the North
11 Charleston police department, did I shoot Walter Scott?

12 A. I did.

13 Q. Did your shooting of Mr. Scott result in his
14 death?

15 A. Yes.

16 Q. When you shot him, were you filled with ill will
17 or grave heart of malice?

18 A. No, I was not.

19 MR. DuRANT: Your Honor, I would ask that he
20 not lead this witness.

21 THE COURT: All right. Don't lead the
22 witness. You may proceed.

23 BY MR. SAVAGE:

24 Q. At the time you shot him, did you possess an
25 uncontrolled impulse to do evil?

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1 MR. DuRANT: Once again, Your Honor, I would
2 ask he not lead this witness. He can ask what was on his
3 mind but he is basically testifying.

4 THE COURT: All right. Don't lead the
5 witness. You may proceed.

6 BY MR. SAVAGE:

7 Q. Tell us why you shot Mr. Scott.

8 A. To start at the beginning, that morning, it was a
9 normal Saturday morning. I woke up, came to work and
10 answered a couple calls in the morning, for an alarm,
11 normal Saturday morning.

12 And then I was back to my zone, in Charleston
13 Farms where I'm assigned. At that time I was driving
14 down Rivers Avenue -- I'm sorry driving down Remount Road
15 toward Rivers Avenue doing the circle around Charleston
16 Farms and I was coming down Remount toward Rivers. I
17 observed a vehicle without a brake light. The one in the
18 rear-view mirror, third brake light.

19 Q. Were you looking for that particular vehicle, did
20 you know anything about that particular vehicle, were you
21 focussed on any individual or was this just a Saturday
22 morning?

23 A. No, I didn't notice the vehicle at all until I was
24 behind it, coming up behind it. It was a normal Saturday
25 day. At that time I waited a little bit and then I saw

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1 the vehicle come up to the railroad tracks on Remount
2 and. At that time I confirmed that the brake light was
3 out.

4 Q. Are there procedures that govern your conduct at
5 times like that?

6 A. Yes.

7 Q. Did you follow your procedures?

8 A. I did.

9 Q. Tell us what you did.

10 A. When I was behind the vehicle, I double-checked to
11 make sure that light was out and then I conducted the
12 traffic stop.

13 Q. For what purpose?

14 A. You know, a lot of times people don't know their
15 brake lights are out. People don't know their headlights
16 are ounce, their turn signals are out. I no he my car it
17 doesn't tell me when the brake light is out, so I stop
18 him, is you know, to write him a warning and just to tell
19 him hey, your brake light is out and you need to get the
20 bulb fixed. It's always a state issue at night or in the
21 daytime, you know, if all the brake lights aren't
22 working, you could cause an accident.

23 Q. Is that technically -- or in the be technically,
24 is that a violation of a state statute?

25 A. Yes, it is.

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1 Q. And have you stopped people before for equipment
2 failures for taillights or turn signals, brake lights or
3 whatnot, headlights?

4 A. Yeah, I have. I would say hundreds of times.

5 Q. And what is the usual practice? What within your
6 procedures what discretion do you have on what you
7 typically do?

8 A. What I typically do is I make contact with the
9 driver and tell him the problem and I write him a
10 warning. It's just --

11 Q. And a warning, what does that require, a court
12 appearance, a fine?

13 A. It requires nothing. It's just a warning paper
14 that tells him that they have an equipment violation,
15 there's no fine, there's no points on their license, they
16 don't go to court.

17 Q. And what was your intent when you stopped the
18 vehicle that morning?

19 A. To write a warning.

20 Q. And did you follow procedure by interviewing,
21 talking to the driver of the vehicle?

22 A. I did.

23 Q. Take us through that discussion until you returned
24 to your unit.

25 A. I got out of my car and walked up to the vehicle

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1 and with the window rolled down identified who I was,
2 Officer Slager, and I said with North Charleston, and I
3 asked for Mr. Scott's license, registration, and
4 insurance card.

5 Q. Did you tell him why you stopped him?

6 A. I did. I told him it was because his third brake
7 light was out.

8 Q. I know -- if you could just speak up a little bit,
9 it may be my hearing or your voice, I'm not sure, but did
10 you tell him why you stopped him.

11 A. I did.

12 Q. And did you follow procedures in terms of calling
13 into headquarters or dispatch to advise him where you
14 were and what you were doing?

15 A. I did.

16 Q. And did you follow all procedures in your
17 interview, your questioning of Mr. Scott?

18 A. Yes.

19 Q. Did you make any observations of Mr. Scott or
20 anyone else in the vehicle?

21 A. When I walked up to the vehicle and I was standing
22 at the window, I observed the passenger in the vehicle,
23 and the passenger was just looking straight ahead like he
24 wasn't even stopped. I think he was doing something with
25 his phone, I don't really recall. And then I observed

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1 Mr. Scott, and he was going through his pockets with his
2 hands, trying to locate something, I think.

3 Q. Prior to -- when did you first recognize the race
4 and gender of the occupants of that vehicle?

5 A. When I walked up to the vehicle and made contact.

6 Q. And did this continue to be a routine stop?

7 A. Yes, it was.

8 Q. And when you asked for identification, were you
9 provided with a driver's license?

10 A. I was.

11 Q. Were the you provided with a registration and
12 insurance?

13 A. No, I was not.

14 Q. And tell us what happened.

15 A. I asked for those documented. Mr. Scott gave me
16 his license and I asked for the license and -- I'm sorry,
17 the registration and insurance card. When I did, he
18 stated that the vehicle wasn't his car, then he stated it
19 was his car and the story -- it went back and forth from
20 it was my car to I was buying my car.

21 Q. And did you ask or direct him to provide the
22 insurance?

23 A. I did.

24 Q. Did you suggest anything to him?

25 A. Yes. I suggested to look in the glove box because

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1 that's where I think everybody -- that's where I keep my
2 insurance and registration card.

3 Q. And what was his response?

4 A. He stated that he didn't own the car and it wasn't
5 in there.

6 Q. Now, up to that point, Officer Slager, despite the
7 observations you made, was everything normal in the
8 context of your experience in traffic stops?

9 A. Yes, everything was normal.

10 Q. Have you ever conducted a traffic stop blue lights
11 day or night where the driver was not nervous?

12 A. Yes, many times.

13 Q. It must be a rare occasion when people aren't
14 nervous. So the activities of Mr. Scott at that time,
15 the observations of him were within that parameter of a
16 normal traffic stop?

17 A. To me, yes.

18 Q. And when you returned to your vehicle, what -- for
19 what purpose?

20 A. I walked back to my vehicle with the license and I
21 was going to write him a warning ticket. Also, I have to
22 check the license and the vehicle tag to make sure the
23 license is good or if there's it any warrants, also to
24 check the tag to make sure the car it wasn't stolen.
25 Also, I wanted to check the tag because of the

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1 conflicting story it about who the owner of the car was.

2 Q. But nothing unusual about that.

3 A. No, that's normal procedure I do every day.

4 Q. And how do you go about doing that? Do you radio
5 in to dispatch?

6 A. I used to, but at the time I had a new computer
7 program with a laptop in my car that I could type the
8 information in.

9 Q. And tell the jury, if you will, how that works.

10 A. It's a computer program called NCIC, and it's a
11 federal database that has everybody's information in it,
12 so I put his driver's license in there, his driver's
13 license number or his name and date of birth, and it
14 sends the information to the FBI and it comes back to
15 whatever's on record for that individual and also the
16 tag, I do the same with the tagging, through that
17 database or you could run the tag through South Carolina
18 DMV and it will give you the information about the owner
19 of the vehicle, description of the vehicle.

20 Q. Did you do that in this instance?

21 A. No. I didn't have time.

22 Q. Tell us what you did when you got back in your
23 unit?

24 A. When I got back to my unit I had to log on to the
25 computer program, and that takes a minute to load up. At

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1 that time I was waiting for that to load up, I had to get
2 my ticket book, which has my warning book in it too.
3 It's combined, and I was getting the warning out. I also
4 had to reach above my visor to get my cheat sheet because
5 I can't remember all the statutes, there's too many
6 statutes for me to remember, and I was in the process of
7 getting all the information together, and then
8 Mr. Scott's door opened.

9 Q. And it was your intent at that time to write what?

10 A. A warning.

11 Q. For what?

12 A. The brake light that was not working.

13 Q. What about the absence of an insurance card?

14 A. What I do -- it's important to have insurance for
15 the vehicle, so what I usually do is I'll write a ticket
16 for no proof of insurance, and I'll tell the driver, you
17 know, your Court date's in two weeks. If you come to
18 Court with your insurance card, I'll drop the ticket and
19 the judge is pretty acceptable with that. So it's
20 basically a fix it ticket.

21 Q. What?

22 A. A figure it ticket.

23 Q. What does that mean?

24 A. That basically means if you fix the problem, I
25 dismiss the ticket.

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1 Q. Nothing personal to you. Now, when you got in
2 your car, you're entering that data into the computer,
3 did you make any further observations of the driver of
4 the vehicle you had stopped?

5 A. While I was in my vehicle?

6 Q. Yes.

7 A. There was some movement going on, but I was pretty
8 much paying attention to trying to get this information.

9 Q. And what happened next?

10 A. When the door opened --

11 Q. What door?

12 A. I'm sorry, when Mr. Scott's door opened, Mr. Scott
13 jumped out of the car and I observed this so I had to
14 throw everything on my lap in the front seat and I got
15 out of my car, and when I got out of my car, I told
16 Mr. Scott to have a seat in his car.

17 Q. And what happened? Did he get back in his car?

18 A. Yeah, he complied and got back in his car and shut
19 the door.

20 Q. Even after that situation where the activities
21 that morning, what you observed within the normal context
22 of a traffic stop?

23 A. Correct.

24 Q. Was there anything that alarmed you at that point
25 in time that you would call for backup or anything like

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1 that?

2 A. No.

3 Q. And then, after Mr. Scott followed your directives
4 what did you do?

5 A. I resumed -- I had to reach in my passenger seat
6 and get my warning book and my little cheat sheet and I
7 was going to write the warning.

8 Q. And what did you observe next?

9 A. I observed the door open of the vehicle again and
10 Mr. Scott jumped out of the car and started running down
11 the street.

12 Q. And when he did that, what did you do?

13 A. I got out of my car, locked the door, shut the
14 door, and took a couple steps. I don't really recall how
15 many steps, and then I called over the radio 223
16 dispatch --

17 Q. Time out what is 223?

18 A. That's my badge number.

19 Q. So you were identifying yourself to dispatch?

20 A. I was.

21 Q. You used in your number what was that?

22 A. 1080 on foot I'm on a foot chase. I'm running
23 after somebody.

24 Q. And at this time had the normal circumstances
25 changed to something else?

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1 A. Yes.

2 Q. And is it customary for somebody to run with a
3 brake light being out?

4 A. No.

5 Q. So what was in your mind at that time?

6 A. That in Scott must have been running for another
7 reason.

8 Q. And did you follow him?

9 A. I did.

10 Q. Tell us what happened next.

11 A. We ran down Craig Street, and I told him to stop,
12 and he didn't, continued to run. We got a little start
13 down Craig Street --

14 Q. When you told him, did you shout it out?

15 A. Yes, yes. I shouted as loud as I could because he
16 was running away and I wanted to make sure he heard me.

17 Q. And did he comply with your instructions at that
18 time?

19 A. No. He continued to run.

20 Q. And what did you do next?

21 A. I yelled Taser three times.

22 Q. You yelled Taser, Taser, Taser?

23 A. Correct, as loud as I could.

24 Q. And did he comply?

25 A. No, he did not.

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1 Q. What did he do?

2 A. Continued to run down Craig Street.

3 Q. Did you keep him under your observation at that
4 point?

5 A. When we were going down Craig Street, yes.

6 Q. And continue. What happened as you were running
7 down Craig Street?

8 A. We come to the yellow brick road, which is a road
9 into an old trailer park home on Craig Street, and it as
10 he turns right down that road, I lost sight of him.

11 Q. When you say I lost sight of him tell us what you
12 mean by that.

13 Q. When we turned corner there's a fence that goes
14 partially around the property, and when he turned right
15 on the yellow brick road, there's a bunch of vegetation
16 so I couldn't see him when he turned the corner? But
17 that was a second or two?

18 A. That he -- no.

19 Q. That you lost sight. I mean you're running after
20 him. He moves, you continue to run after him?

21 A. Correct.

22 Q. What was he doing at that time? Was he talking to
23 you? Was he -- you at this time had yelled stop, you had
24 yelled Taser, Taser, Taser?

25 A. Correct.

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1 Q. Did he in any way indicate that he was going to
2 comply with your directives?

3 A. No, he did not. He did not.

4 Q. And what happened next?

5 A. I used my Taser. I pointed it -- it was in my
6 hand and I had it in my hand and I had to wait a minimum
7 because he was holding his right arm behind his back as
8 we were rounding the corner.

9 Q. And when you say something with his right hand,
10 tell the jury what he was doing? Put them in your mind
11 at that time and tell us what you observed.

12 A. When we rounded the corner, and I was yelling
13 Taser, he was using his right hand to do this motion
14 (indicating.) And I know at the time I had the Taser so
15 the first thought in my mind was he was trying to prevent
16 me from using the Taser on him, and I know that because
17 I've heard other officers talk about it, and I've seen it
18 with other officers too. I don't know how Mr. Scott knew
19 that, but he was going this direction to try to prevent
20 the little prongs from coming out, I guess maybe he was
21 trying to knock them away, I don't know.

22 Q. And what did you do?

23 A. I had to wait a minute, because I knew --

24 Q. When you say a minute, people -- you waited 60
25 seconds?

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1 A. I'm sorry. I waited maybe a second, two seconds.

2 Q. And what did you do?

3 A. And then after he stopped with his arm movement, I
4 pulled the trigger and activated the Taser and the two
5 barbs shot out.

6 Q. And was it effective?

7 A. I don't think so, because he continued to run down
8 the road.

9 Q. Where did the prongs go?

10 A. I don't know. One might have went into him
11 because you need two for it to work, so one might have
12 went in, maybe the second one went past him, and then
13 landed on the road somewhere or maybe they both went past
14 him, I don't know.

15 Q. Did that cause him to comply with your directives?

16 A. No, he continued to run down the road.

17 Q. And what did you do next?

18 A. I think I told him to stop again. I'm not really
19 sure. And then I reloaded the cartridge, I took the
20 cartridge off the Taser and put the new one on to use the
21 Taser again.

22 Q. And did he in any way express, I've had enough?

23 A. No. He continued to run down the road.

24 Q. And did you fire your Taser?

25 A. I did.

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1 Q. Well, tell us about it.

2 A. Before I fired, I yelled Taser again.

3 Q. You warned him?

4 A. Correct, gave him a warning I was going to use it
5 again.

6 Q. Did you tell him to stop?

7 A. Yes.

8 Q. Did he comply with your directives?

9 A. No, he continued to run.

10 Q. And then what happened?

11 A. I shot -- I used the Taser, activated it and the
12 two barbs came out. I'm assuming it hit him because he
13 went down on the ground, he went down on the ground.

14 Q. Did you know -- did you know at that time whether
15 or not the Taser was effective?

16 A. At that time I thought it was, but now, sitting in
17 court, I don't think it was, so when he went down, I
18 thought it worked. I thought it was working because
19 that's what usually happens, they fall to the ground.

20 Q. And did he comply at that time with your
21 instructions?

22 A. No. He was trying to get off the ground, and I
23 pulled the trigger again.

24 Q. All right. Take us through that slowly. Go back
25 to you instructing him to stop, instructed him that a

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1 Taser was coming again and there was no compliance and
2 you shot the Taser?

3 A. I did.

4 Q. Take us through those moments, though seconds of
5 what you recall.

6 A. So I changed the cartridge and then I yelled,
7 Taser again, once, twice, I don't recall how many times I
8 yelled it, and then I pulled the trigger and activated
9 the Taser. When I activated the Taser, the two prongs
10 came out and then the next thing I know is Mr. Scott fell
11 to the ground.

12 Q. Do you know what caused him to fall to the ground?

13 A. At the time I thought it was the Taser.

14 Q. And as a result of what you believed to be at the
15 time, what did you do?

16 A. I thought that everything was going to be good.
17 At that time, knowing the Taser worked, I approached
18 Mr. Scott to handcuff him.

19 Q. And did you handcuff him?

20 A. No. I wasn't able to.

21 Q. Now, let's go back to where you stopped Mr. Scott.
22 Do you recall the name of the store where you pulled in?

23 A. I think it was Auto Zone.

24 Q. From that location when you got out of your car,
25 if you know, how far did you run before you got to the

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1 yellow brick road?

2 A. At that time, I don't know the distance. It was
3 far.

4 Q. And do you know how far you ran to where Mr. Scott
5 was on the ground?

6 A. At that time, I don't know the distance, but I
7 know it was pretty far. I know the distance now.

8 Q. But at the time?

9 A. No.

10 Q. Now, tell us what you were wearing when you were
11 in that chase.

12 A. I was wearing boots socks, underwear, T-shirt, my
13 homeowner bulletproof vest, my uniform pants, and my
14 uniform shirt, and then I had shirt stays that went from
15 my shirt to around my feet to keep my uniform shirt
16 tucked in.

17 Then I had my duty belt, and under underneath my
18 duty belt I had an inner belt. I also had six belt
19 keepers and then a firearm, OC, two handcuff cases, some
20 gloves, a Taser, two handcuff keys, a radio --

21 Q. So, Mr. Slager, you were in court the other day
22 when not Chief Driggers, his son, we lies but he
23 indicated this was the equipment you were -- or similar
24 to the equipment you were assigned that day; is that
25 correct?

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1 A. Yes, it is.

2 Q. And did you have a vest on that day?

3 A. Yes, I did.

4 Q. Tell the jury, if you would, how you were fitted
5 for the vest and whether or not that restricts your
6 moving and your breathing.

7 A. When the police department buys you a bulletproof
8 vest, you sit down and they measure you, I don't know the
9 exact -- they measure around your waist and around your
10 chest and I guess from your Adams apple down to your
11 belly button so they measure you in different locations
12 to make sure that the vest will cover your body
13 completely around your whole torso.

14 Q. And I assume that's effective when you're standing
15 still?

16 A. Yes.

17 Q. And what does it do when you're running?

18 A. So when you put it on, those two Velcro strips
19 that you have to go across your chest to keep it in a
20 spot and you need to wear it tight so doesn't move around
21 so when you breathe and your chest expands, it will
22 restrict that movement and also when you move around it
23 restricts the movement too.

24 Q. So we're back now at the point where Mr. Scott was
25 on the ground, tell us, do you recall any instructions

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1 any responses from Mr. Scott? And, again, I don't want
2 you to say what you know from being in court the last two
3 weeks, or four weeks, two months, whatever, tell us --
4 put your mind back a few months and tell you what
5 happened neck.

6 A. Mr. Scott was on the ground. He started to get up
7 for the first time, and I pushed -- pulled the trigger
8 for the Taser again to make him comply, so I could
9 handcuff him. And then when that happened, I remember
10 standing next to him and I reached to detain him, to put
11 him in handcuffs. At that time he was -- he had his
12 hands -- he was in a pushup position getting up, so I
13 grabbed for his hand to put so I could detain him because
14 I don't know why he's running for a brake light. It
15 didn't make any sense to me when he was given a warning
16 and he's in the parking lot of the auto parts store. I
17 don't know. You know in the back of my mind from my
18 experience there's other factors other things going on.

19 So I tried to grab his left hand to put behind his
20 back to handcuff him, and as I'm doing that, he's in the
21 pushup position trying to get up at the same time and
22 when that happens at the same time, his pushup and the
23 hand behind his back, he must have rolled over to his
24 side, and then now he's on his back, facing me, and I'm
25 on top of him. I'm just thinking, what's going on? I

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1 don't understand why he's doing all this? Why he's not
2 stopping?

3 So I have the Taser in my hand and for the Taser,
4 is the wires that come out of the Taser, if you turn --
5 if you pull the trigger on the Taser, the wires -- if you
6 touch the wires, you can be shocked too. The current
7 runs through it. There's not really of protection, I
8 guess, because I've had that happen to me before, so I
9 think that's why I took the bridge off. I don't remember
10 taking it off. That's the only reason I think I could
11 have taken it off at the time thinking back, so I'm
12 trying to held hold him down with my elbow, and I have
13 the Taser in my right hand, you know, trying to hold him
14 down, and he's still trying to fight and trying to get
15 up. He's not listening to what I'm saying.

16 Q. Well, what were you saying?

17 A. I think I was telling him, you know, to get on the
18 ground, to stop. I was saying something, but now I know
19 what I said after being in the courtroom.

20 Q. But back then, do you remember independently from
21 the courtroom environment or preparing for the courtroom,
22 do you have an independent recollection of what you were
23 saying and what he was saying to you?

24 A. I don't recall what I had was saying. I think I
25 said get on the ground, but that's what I always say, so

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1 maybe I reverted back to that. I don't really recall.

2 Then I'm holding him down, and I want him to stop,
3 so I use the drive stun on the side to make him comply to
4 make them stop so I could take him into custody because
5 he's not, he's not stopping.

6 At that point, I knew Mr. Scott was a lot stronger
7 than I was because he was pushing me and I just knew I
8 was going to lose the fight I knew I was going to lose
9 because with my weight on top of him he was just like,
10 keep on going.

11 I think, you know, at that time, I think we're
12 rolling around on the ground, some of that is really
13 fuzzy in my mind, and then I remember, you know, when I
14 called for Habersham.

15 Q. Let me ask you if this radio was part of your
16 equipment that day?

17 A. Yes.

18 Q. If you would, put it on to the best of your
19 ability so that the jury can get a visual of when you
20 called for Mr. Habersham.

21 A. So the radio -- Your Honor, can I stand up?

22 THE COURT: Yes.

23 THE WITNESS: So the radio is on my belt in
24 this position here.

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1 Q. Can you put it in your pocket for now?

2 A. So it's over in this position. And I have it come
3 up behind me and it clips on to my shirt like this.

4 Q. So stay standing so that the jury can see you, and
5 obviously you weren't standing at the time, but tell us
6 what was in your mind and what you did.

7 A. So I have my radio like this because the button is
8 here, and I can hit it with my thumb on my left hand, or
9 I can reach with my finger, so that's why I keep it here.
10 So I'm holding Mr. Scott down and he's destroying to get
11 up. He's fighting, we're rolling around on the ground,
12 and, you know, it happened so fast, I don't recall every
13 single movement, and I have the Taser in my right hand,
14 and I used it on him to make, you know, so he would
15 comply, so I could take him into custody.

16 As I'm doing that, I know I'm starting to figure
17 out I'm losing the fight, so I'm holding him down with my
18 elbow and my forearm. I lift my hand up to call for
19 Habersham to come, because Habersham's my partner.

20 And I knew he would be there the quickest. And as
21 I'm doing that, the only part I have on Mr. Scott is my
22 elbow, and I think it's in this area, holding him down,
23 and my right hand's pointed away and at that time I'm
24 calling for Habersham, 156, step it up, which 156 is
25 Habersham's badge number, and 156 means come faster, and

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1 as I do that, Mr. Scott grabs the Taser with his hand and
2 starts yanking on it, and then he grabs it with his other
3 hand and yanks on it with both hands, and then he rips it
4 out of my hand and then that day, I had some cuts on my
5 fingers and stuff, so I don't, maybe it came from there,
6 maybe it came from when we were rolling on the ground, I
7 don't know, it.

8 Q. And?

9 A. And he takes the Taser out of my hand with such
10 force, it comes out of my hand, and then I see him with
11 the Taser in his hand, and I see him spin it around.
12 That's the only thing I see is that Taser, coming at me,
13 I see that barrel, like this big, coming at me. And I
14 knew I was in trouble. I knew I had called backup. I
15 needed backup. I knew I was being overpowered. And I
16 saw that Taser coming at me, coming at me, coming at me
17 like this, and he's coming after me, I'm trying -- my
18 eyes, I don't know what's going on, and I'm trying to get
19 away. I'll trying to get away, and I think -- as I'm
20 backing up or trying to get back on the ground, I think
21 we both stand up at the same time, I don't know, but
22 we're both up, and that's when I see --

23 Q. So let me interrupt you. You're on the ground.
24 The Taser is taken away. The Taser is being used against
25 you. Are you moving away or are you -- what are you

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1 doing, do you remember?

2 A. If I remember correctly, I'm backing up, trying to
3 get away from the Taser.

4 Q. And what was Mr. Scott doing?

5 A. He was coming towards me.

6 Q. When he got up when you disengaged, did he turn
7 around and run away?

8 A. No, no. He continued towards me.

9 Q. So after you disengaged on the ground, you're
10 backing up and he didn't turn around and run off?

11 A. No. He was extending his right arm, leaning
12 forward, coming at me with that Taser for the second
13 time.

14 Q. And I know you've seen some photographs of that,
15 some still shots from Mr. Santana's video. If you could
16 put the jury in the place of what you observed when you
17 observed it with respect to the getting up off the
18 ground.

19 A. We were like this close (indicating.) Arm's
20 length away, how far it was.

21 Q. And what did you do when he -- tell me his
22 position. Was he standing up, was he turning away, his
23 toes, his feet, his body presence, what is it that
24 communicated with you nonverbally but communicated with
25 you by his person and his movements?

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1 A. Can I stand up?

2 Q. Sure.

3 A. When we got off the ground, I instructed Mr. Scott
4 to turn right away and go, but he didn't. He stood up,
5 we both stood up, he's leaning forward, right arm
6 extended out, facing me, coming towards me.

7 Q. This is after what happened on the ground?

8 A. Correct.

9 Q. After he had taken possession of the Taser?

10 A. Yes.

11 Q. He stayed in the fight?

12 A. Yes.

13 Q. What did you decide at that time? What was in you
14 mind?

15 A. In my mind, fear. I was scared. With everything
16 leading up to this, from the run to not cooperating to
17 the fight on the ground, to Mr. Scott with the Taser
18 coming after me while we were on the ground in the chest
19 area and us breaking apart as we're standing up and
20 coming at me again, you know, it was total fear that
21 Mr. Scott didn't stop, continued to come towards me.

22 Q. Did he ever give you any indication of compliance
23 or surrender?

24 A. No, not at all.

25 Q. And what did you do next?

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1 A. At that time I pulled my firearm and I pulled the
2 trigger.

3 Q. How many times?

4 A. I don't know. I fired until the threat was
5 stopped, like I'm trained to do.

6 Q. Did you fire every bullet that was in your weapon?

7 A. No.

8 Q. Did you handcuff Mr. Scott?

9 A. I did, yes.

10 Q. Why did you do that?

11 A. After the shooting and Mr. Scott was on the
12 ground, I didn't know if I hit him. I didn't know if he
13 tripped, if he fell. And he is still at threat at that
14 time, and in the police academy and North Charleston
15 training, you always handcuff a subject, always.

16 Q. Did you do that out of malice or ill will?

17 A. Absolutely not.

18 Q. Did you do it because you were trained to do it?

19 A. Yes.

20 Q. Did you realize at that time or any time before
21 that that Mr. Scott did not have your Taser?

22 A. No.

23 Q. When did you determine that he did not have your
24 Taser?

25 A. When I went and handcuffed Mr. Scott, I was

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1 looking around and I didn't see it, so I looked on the
2 ground, like this, and I saw it in the road and I ran
3 over and got it.

4 Q. And what did you do with it?

5 A. I grabbed it and I ran back over to Mr. Scott.

6 Q. And what did you do with the Taser?

7 A. After that, you know, I must have thrown it on the
8 ground by Mr. Scott's body. You know, I don't remember
9 doing that.

10 Q. But we see it on the video now.

11 A. Yeah.

12 Q. And did you pick it back up?

13 A. I did.

14 Q. Did you try to plant evidence or do anything that
15 would try to be deceptive or deceitful?

16 A. No.

17 Q. After you fired your weapon at Mr. Scott, what
18 does procedure require you to do in terms of
19 communication?

20 A. Call on the radio right away and tell dispatch
21 what happened.

22 Q. Do you remember what you said to dispatch?

23 A. Yes.

24 Q. Tell the members of the jury what you said and why
25 you said what you said.

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1 A. I came over the radio and said two two three
2 dispatch, shots fired, suspect down and he grabbed my
3 Taser. So I was telling dispatch that I used my weapon
4 and the subject was hit, was down on the ground, and that
5 he grabbed my Taser.

6 Q. And the suspect down, what message does that send
7 to emergency response?

8 A. That a subject needs immediate care and dispatch
9 will automatically send the fire truck, which is across
10 the street and the ambulance.

11 Q. And did you have time to reflect and think about
12 I'll make up a story and tell them that he grabbed my
13 Taser?

14 A. Into the.

15 Q. How many seconds if you know after you fired your
16 shots did you call dispatch?

17 A. It was right away. I don't recall how long,
18 but --

19 Q. And that's why you shot Mr. Scott.

20 A. Yeah.

21 Q. At any time during your interaction with Mr. Scott
22 that morning, did he ever say anything to you or did he
23 ever send a signal to you that he was going to comply
24 with your instructions?

25 A. One time he did. And that was when I told him to

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1 get back in the car the first time. That was the only
2 time he complied when I told him to do.

3 Q. If -- this time on Saturday morning, at 9:30, you
4 were still a police officer.

5 A. Yes.

6 Q. And you were riding down Remount Road and what you
7 described earlier, would you do it again?

8 A. The traffic stop?

9 Q. Well, the whole incident, what happened that
10 morning. (If at this time.)

11 A. You know, Mr. Savage, that's a hard question to
12 answer, because things that I know now, 218 months later
13 compared to what I knew on the scene and had to make a
14 split second choice, you know --

15 Q. So what are those things that you either knew or
16 didn't know at that moment you decided to engage with
17 Mr. Scott and to continue following him and Tasing him
18 and trying to detain him? What was in your mind at that
19 time? What were the variables that were present?

20 A. In my mind at that time, people don't run from the
21 broken taillight. There's always another reason. And
22 with him running and continually escalating the
23 situation, he's running from something he's also fighting
24 me on the ground and he grabs my Taser, he uses it on me,
25 tries to use it again, Mr. Scott is getting away -- he

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1 wants to get away for some reason he -- I don't know.

2 Q. Had at any time during the stop or prior to you
3 using your weapon did you have an opportunity to -- tell
4 the jury what a -- what do you call it, Terry stop is,
5 frisk?

6 A. Correct.

7 Q. Tell the jury what that is.

8 A. That's when you have some kind of suspicion and
9 you ask the person to exit the car, or if they're on the
10 street you basically just do a quick frisk for weapons,
11 if they have any weapons on them.

12 Q. And did Mr. Scott's actions in any way prior to
13 his running give you reasonable suspicion to search him?

14 A. No.

15 Q. To pat him down for weapons?

16 A. No.

17 Q. So did you know at the time whether he was armed
18 or not?

19 A. I did not know.

20 Q. Were his actions consistent with somebody who
21 believed they could overtake you?

22 A. I --

23 MR. DuRANT: Leading question, Your Honor.

24 BY MR. SAVAGE:

25 Q. What did his actions, what message did it send you

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1 that morning, what he was doing?

2 A. On the traffic stop, it was normal. After the
3 traffic stop, the message was is that he would do
4 anything to get away.

5 Q. And did you know who the passenger was?

6 A. No, I had no idea who the passenger was.

7 Q. At the time you engaged in the ground fight, did
8 you know where the passenger was?

9 A. I did not know.

10 Q. At the time you were chasing him, was Mr. Scott
11 using his cellphone?

12 A. I think so, yes.

13 Q. You say you think so. Tell us a little bit more
14 about that.

15 A. I remember one incident where he had the phone in
16 his hand, running, yelling, I'm on Remount Road, I'm on
17 Remount Road. From my experience he was giving
18 directions to somebody where he was. I don't know if he
19 was calling somebody to come and pick him up, I don't
20 know what he was doing.

21 Q. And tell us about the phone. Did you see the
22 phone when you were engaged in the fight?

23 A. Yeah. It was on the ground.

24 Q. And did you hear anything from the phone at that
25 time?

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1 A. I did.

2 Q. Tell the jury what you heard.

3 A. I heard a voice on the phone stating, stop. Do
4 what the police say, to that effect. I don't remember
5 how many times it was.

6 Q. And what was in your mind? How did you interpret
7 that?

8 A. That it was another officer coming to back me up,
9 coming from behind to back me up, telling the person,
10 telling Mr. Scott to stop and do what the police say and
11 then nobody was there.

12 Q. So in your mind, you thought what was coming out
13 of the phone was what?

14 A. Another officer behind me.

15 Q. Present.

16 A. Correct.

17 Q. And, of course, when you're asked would you do it
18 again, there are things that you've found out in the past
19 18 months?

20 A. Correct.

21 Q. We can go into those.

22 A. Okay.

23 Q. That may have changed your mind. What do you know
24 now that you didn't know then?

25 A. About Mr. Scott's history.

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1 Q. Just --

2 MR. DuRANT: Objection. Relevance.

3 THE COURT: The objection is sustained.

4 BY MR. SAVAGE:

5 Q. Are the things that you've learned -- for instance
6 we hear unarmed?

7 A. Correct.

8 Q. We know that now.

9 A. Yes.

10 Q. There are other matters about parties involved,
11 what they were doing, who they were with and whatnot that
12 we know now.

13 A. Yes.

14 Q. As a result of what you know now, would you have
15 ever gotten out of your car?

16 A. Absolutely not.

17 Q. What would you have done?

18 A. I would have called for backup right away.

19 Q. Now, let's go you've been here all week. Let's go
20 back to high school.

21 THE COURT: We're going to take a break right
22 now. Ladies and gentlemen, if you go to the jury room,
23 please do not discuss the case.

24 (In open court, jury not present.)

25 THE COURT: As we started the live feed went

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1 out so they've been trying to get me to take a break 1,
2 2, 3, 12, 2015.

3 (Recess taken.)

4 (In open court, jury not present.

5 THE COURT: You can bring the jury.

6 (In open court, jury present.)

7 THE COURT: Yes, sir. You may proceed.

8 MR. SAVAGE: May it please the Court:

9 THE COURT: Yes, sir.

10 BY MR. SAVAGE:

11 Q. When we took the break, I was just about to ask
12 you about your upbringing, if you would start in high
13 school.

14 A. I went to high school in New Jersey, graduated and
15 then I did a little work at a restaurant, a banquet
16 house, and then at the same time I started college but
17 that really didn't work out for me, I guess, so I joined
18 the military.

19 Q. Tell me about your family. What -- when you say
20 you grew up in New Jersey, tell us maybe go back before
21 that.

22 A. So I lived with my parents, they got divorced when
23 I was young.

24 Q. That's your dad and your mom?

25 A. Yes, they're here, and so I went with my mom, I

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1 think I was ten years old maybe, so I went with my mom to
2 Texas. Stayed there for a little bit, and then I went to
3 live with my dad in New Jersey. I went to high school
4 there, and that's when I ended up joining the military.

5 Q. In high school did you have -- were you involved
6 in outside activities?

7 A. I was. In high school, we had a TV station, a
8 TV station in the school, so we did a morning show. The
9 TV was in each classroom, and, you know, the kids would
10 come on and say the morning announcements and then
11 also --

12 Q. What was your role in that?

13 A. I worked in the back. I worked with editing and
14 the cameras.

15 Q. And did you work outside -- did you have any
16 activities outside of the act determine anything
17 environment? Did you work?

18 A. I did. I worked at a restaurant and I also
19 volunteered at EMS.

20 Q. Emergency medical services?

21 A. Yes.

22 Q. And that was county or city what?

23 A. It was the city.

24 Q. And did you do any boating?

25 A. I did. We had a boat, my dad had a boat probably

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1 all the way through middle school, high school so I was
2 on the boat all the time, worked on the boat.

3 Q. So when you tried out in college, you decided --
4 what branch of the service did you go in?

5 A. I enlisted in the Coast Guard.

6 Q. In the Coast Guard, how long were you serving in
7 the Coast Guard?

8 A. Six years.

9 Q. And during your tenure in the Coast Guard, what
10 type of jobs did you have? What was did your -- did they
11 have an MOS?

12 A. Yes, in the Coast Guard there's only 11 jobs.

13 Q. How many?

14 A. 11 jobs, so you have your main job and everybody
15 has collateral duties, so I was at a station in Florida
16 and I had a handful of collateral duties.

17 Q. You went into law enforcement?

18 A. I did, I did, sit was a boarding team member. I
19 was also on the customs joint task force in the port
20 there.

21 Q. And did you have any captain's masts or
22 disciplinary problems, did you have any issues when you
23 were in the Coast Guard?

24 A. No issues, no problems.

25 Q. What type of discharge did you receive?

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1 A. Honorable and.

2 Q. And that was after --

3 A. Six years.

4 Q. Six years. What did you do after you -- were you
5 married at that time this time? Tell us --

6 A. No, I wasn't married at the time. When I was
7 getting out of the Coast Guard, I had a buddy who lived
8 in North Charleston, and he was telling me that North
9 Charleston police department was hiring at the same time
10 I was getting out, so I thought to myself, I'll move to
11 South Carolina. And I did.

12 Q. How old were you when you came to South Carolina?

13 A. I think I was -- six years ago, I was 29.

14 Q. And were you married at that time?

15 A. I was not.

16 Q. And did you -- were you accepted by the North
17 Charleston police department?

18 A. Yes, I was.

19 Q. And what did you do when you were accepted?

20 A. When I was accepted, I went to a three week pre
21 academy at the department and that basically means that
22 we go to the range one time and fire and qualify on the
23 firearm, and then we had to get OCed with OC pepper spray
24 but I didn't have to do that because I did that in the
25 military, and basically we sat in a room and we went over

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1 the legal material before we went to the academy.

2 Q. And how long were you in the academy?

3 A. It was nine weeks.

4 Q. And we've heard a little bit about the academy,
5 academic training, physical training, whatnot?

6 A. Yes.

7 Q. Physical requirements?

8 A. Yes. We had to do an obstacle course when we got
9 there.

10 Q. And since you took that obstacle course in your
11 career as a law enforcement officer what physical
12 training or obstacle courses have you had since?

13 A. None.

14 Q. And you've heard the testimony this week I don't
15 want to be repetitive but a lot of classroom work, a lot
16 of firing range work. What about Tasers what do they
17 tell you in the criminal justice academy about Tasers?

18 A. Nothing.

19 Q. What do you mean, nothing?

20 A. At the criminal justice academy doesn't teach
21 about Tasers.

22 Q. And where did you learn with Tasers?

23 A. At North Charleston police department.

24 Q. And after you -- I'm assuming you graduated.

25 A. I did. I graduated.

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1 Q. And you weren't sent back at all for repeating
2 classes or anything like that?

3 A. No, I passed all my classes.

4 Q. And when you got to North Charleston, what type of
5 capacity did you serve in then?

6 A. After I graduated from the academy I went to
7 TO training.

8 Q. If you would speak up and don't use initials,
9 because we don't know what that means. You went to what
10 type of training?

11 A. I was assigned to a field training officer. That
12 basically means a veteran police officer on in the
13 department who I work with and he teaches me how to be a
14 police officer on the street.

15 Q. And when you came to court today, did you bring
16 some notes to refresh your memory of the different
17 activities that you participated in?

18 A. I did.

19 Q. Why don't we take a look at the daily observation
20 reports. I don't want you to read from them but you're
21 entitled to read from them to refresh your memory to tell
22 the jury the type of reports that were written up by you
23 during your field training.

24 A. Okay.

25 Q. The field activity reports were daily; is that

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1 correct?

2 A. Yes.

3 Q. Well, let's look at March 24th and tell the jury
4 what your officer wrote up about you.

5 MR. DuRANT: Objection. Hearsay.

6 THE WITNESS: I don't have that one.

7 BY MR. SAVAGE:

8 Q. All right. Well, let's go to April 13th.

9 A. I don't have --

10 Q. Are you looking at your field training records?

11 A. Yes, sir.

12 THE COURT: This is April 13th of what year?

13 MR. SAVAGE: 2010.

14 MR. DuRANT: Your Honor, I would object to
15 this entire line of questioning. Basically what he's
16 doing is having him read what that person wrote about
17 him. If they want to put that person up fine, but this
18 is nothing but hearsay.

19 THE COURT: Mr. Savage?

20 MR. SAVAGE: What I've asked him to do is to
21 refresh his memory from these activities that occurred
22 years ago by looking at those reports, if he needed to
23 refresh his memory but not to testify from them. He's
24 not reading from the reports. He's testifying, refreshed
25 recollection of what he did on those dates.

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1 THE COURT: As to what he did or what someone
2 said about him?

3 MR. SAVAGE: What he did. Now, if he didn't
4 write these reports, I agree, but these are his notes of
5 his activities of that day which refreshes his memory of
6 what he did.

7 THE COURT: I overrule the objection.

8 MR. SAVAGE: May I see your records, please.

9 BY MR. SAVAGE:

10 Q. So if you would take a look at your activity
11 report from March 24th, don't read from it refresh your
12 memory as to what you did that day, and tell the jury.

13 A. So on that day, I was with my field training
14 officer and we got out with a couple of individuals,
15 waking the street. At that time we made contact with
16 them and they were arrested due to the act of carrying
17 concealed weapon and having narcotics on them.

18 Q. And on April 14th, what did you do that day?

19 A. That day I was with my field training officer and
20 we were driving around in Union Heights. I observed a
21 gentleman riding a bicycle in and out of cars on the
22 wrong side of the street and we went to make contact with
23 him and he ran away. At that time, I chased and detained
24 the subject and upon a search he had a whole bunch of
25 narcotics in his pocket.

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1 Q. On those dates, was anybody hurt?

2 A. No, sir.

3 Q. On April 22 of 2010, refresh your memory as to
4 what you did that day.

5 A. At that time, I was with another officer on day
6 shift --

7 MR. DuRANT: I'm going to have to object to
8 relevance, Your Honor. This is all very interesting but
9 what does it have to do with the issues before this jury?

10 THE COURT: Response, Mr. Savage.

11 MR. SAVAGE: As I understand relevance it's
12 evidence that will help the jury make a determination in
13 the case and the fact that he was a rookie engaged in a
14 number of foot chases and detentions and arrests in high
15 crime neighbor neighborhoods without any violence
16 perpetrated I think is important for the jury to know.

17 THE COURT: Solicitor?

18 MR. DuRANT: Once again, Your Honor, I mean,
19 it's all well and good and we would acknowledge that
20 Officer Slager never killed anybody before April the 4th
21 but it has nothing to do with his behavior on April the
22 4th of 2015.

23 THE COURT: I sustain the objection.

24 BY MR. SAVAGE:

25 Q. During the time period in which you were under a

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1 field training officer, did you have a variety of
2 experiences in detaining, arresting people who were armed
3 and dangerous narcotics dealers and that sort of thing?

4 A. Yes.

5 Q. And that's all reflected in --

6 MR. DuRANT: Same objection, Your Honor.

7 BY MR. SAVAGE:

8 Q. Reflected in the report that the solicitor has had
9 for 18 months?

10 A. Yes, sir.

11 Q. And certainly these are public records that the
12 solicitor, or anyone else could get to read to learn
13 about your background?

14 A. Yes, sir.

15 Q. And the --

16 MR. DuRANT: Your Honor, I made an objection
17 on relevance. My objection on relevance is continuing,
18 and I just don't see how this has anything to do with the
19 issues before this Court.

20 THE COURT: And I rule on a question by
21 question basis. Is there an objection to the last
22 question or the next question?

23 MR. DuRANT: I'm objecting to the entire line
24 of questioning, Your Honor. I don't think this has
25 anything to do with the issues before this Court.

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1 THE COURT: I rule on a question by question
2 basis.

3 MR. SAVAGE: I'll move on, Your Honor.

4 THE COURT: Yes, sir.

5 BY MR. SAVAGE:

6 Q. There's been a lot of talk by the solicitor in
7 their questioning of witnesses about your use of force?

8 A. Yes.

9 Q. Have you ever had an instance of use of force in
10 which you had been reprimanded or sanctioned or in any
11 way charged with any abuse of authority or violation of
12 procedure?

13 A. No.

14 Q. Well, let's go through each and every one of them
15 so you can tell the jury what you did, starting with the
16 first use of force employed. Do you have those reports
17 in front of you?

18 A. I do, sir.

19 Q. And you can take a look at them and you can tell
20 us the date, if you will, and you can tell us what the
21 issue was that caused you to use force.

22 A. Yes.

23 Q. So is the first date is what, sir?

24 A. 6/7/2010.

25 Q. And what did the suspect do that caused you to use

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1 force and what type of force was it?

2 A. This was a traffic stop. The subject stated that
3 he had a gun under the front seat and he refused to get
4 out of the car with that loaded gun under the front seat.

5 Q. And what type of force was employed?

6 A. At that time I used my Taser, presented my Taser,
7 and then he complied.

8 Q. And you said there was compliance?

9 A. Yes, sir.

10 Q. On -- the next event when did that take place?

11 A. April 20, 2011.

12 Q. And what was the circumstance of that use of
13 force?

14 A. That use of force was another officer located a
15 stolen vehicle. At that time he wanted another unit to
16 help him to effect a traffic stop on the car. At that
17 time the vehicle fled and a chase happened. We went into
18 Accabee neighborhood. As the car is driving down the
19 road, the driver and the passenger both jump out of the
20 moving vehicle and proceed to run into the neighborhood.
21 The driver runs under a house and tries to hide, and then
22 I chase after the passenger who also ran. At that time
23 the passenger would not stop, would not comply and a
24 Taser was used.

25 Q. And did the suspect then comply with the

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1 directives?

2 A. Yes.

3 Q. What is the third use of force?

4 A. Third one is dated June 20th, 2011. If I remember
5 correctly that incident, a gentleman parked his moped in
6 front of the door of a gas station, convenience store, on
7 the sidewalk and I went to make contact with him and have
8 tell him to move his moped to the parking spot. At that
9 time he proceeded to flee the area, to drive away, and he
10 proceeded to run a stop sign at the corner of -- I think
11 Harvey and South Allen, in that area, Dorchester Wayland
12 and then I initiated a traffic stop. He did not comply.
13 He continued to elude and a car chase ensued and he went
14 across the street into oncoming traffic, no regard for
15 anyone, and then he came to a wooded field where he
16 jumped off the moped and ran into the woods towards the
17 CSX railroad property. At that time he gave chase,
18 commands to stop. He refused and a Taser was used.

19 Q. Without further incident?

20 A. Correct.

21 Q. He was in compliance?

22 A. I'm sorry?

23 Q. He was in compliance?

24 A. Yes.

25 Q. And the next incident, please, in July of 2011.

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1 A. July 22 of 2011, myself and Sergeant Ghi were in
2 Chicora-Cherokee. We were at the corner of out to two
3 and carver and we observed a mail subject walking around,
4 exposing himself in front of other neighbors. We made
5 contact and he proceeded to flee and the Taser was used
6 and my was arrested for indecent exposure.

7 Q. Any further incident result of that?

8 A. No.

9 Q. Next one please November of 2012.

10 A. November of 2012. That's going to be one where we
11 were at a bar due to the fact of multiple shootings
12 violent crimes. The whole team had to go to this bar
13 when it closed. One of vehicles left the parking lot and
14 ran into another car. We followed and made contact with
15 the driver at his house. At that time it was him and his
16 brother there, and he did not want to talk to me. I
17 proceeded to be very boisterous and loud (he) then he
18 proceeded to throw his wallet at me and run on foot. At
19 that time I gave chase and the Taser was used and then we
20 were on the ground, trying to handcuff him, a fight
21 happened, and he proceeded to grab my Taser. At that
22 time, luckily, another officer got there right at that
23 incident so no more force was used except for handcuffing
24 the individual.

25 Q. Any repercussions or first incidents result of

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1 that?

2 A. No.

3 Q. Suspect acted in compliance?

4 A. After he was handcuffed, yes.

5 Q. By the way each and every one of these instances
6 are these signed off by your superiors?

7 A. Yes, they are.

8 Q. So your sergeant, lieutenant, captain and the
9 chief and the deputy chief?

10 A. Correct.

11 Q. In June of 2013 when you were involved in another
12 incident?

13 A. Yes, I was. This one happened actually in front
14 an officer's home. An individual was breaking into
15 vehicles and the officer came home and located him hiding
16 in the driveway. At that time I assisted the officer and
17 we took him to the ground with an armed bar take down and
18 he was detained.

19 Q. And how was the Taser utilized in that situation?

20 A. If I remember correctly, it was a drive stun.

21 Q. And any further repercussions?

22 A. No.

23 Q. On July 17 of 2013, tell us what happened that
24 day.

25 A. I'm sorry. July 17th, 2013?

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1 Q. Correct.

2 A. That was the one where -- my memory -- we received
3 a call to a home in reference to a six-foot-three 280
4 pound man, intoxicated, causing a problem in his mother's
5 home, arrived on scene and we told him he needed to leave
6 due to his mother's request. At that time, he was
7 becoming more and more upset and then he proceeded to
8 punch his girlfriend in the face and she flew across the
9 room. At that time I utilized my Taser to take him into
10 custody.

11 Q. And at that time did he comply?

12 A. Yes.

13 Q. The next incident, please.

14 A. Yes. That one is going to be on 8/31/2013. This
15 one we responded to a call at an apartment complex where
16 a female was inside and her boyfriend was trying to get
17 in the door. At that time we arrived on scene and as we
18 arrive coming on scene we were notified by dispatch that
19 the suspect was still on scene so we turned our
20 headlights off and we parked down the street so he
21 wouldn't see us coming. At that time, we arrived on
22 scene and he continued to kick in the door trying to, I
23 guess, get her. At that time, we told him to come down.
24 He was very upset and he proceeded to fight officers,
25 fight me. My Taser was used and two other officers were

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1 on scene also and he was taken into custody.

2 Q. And how was the Taser employed at that time?

3 A. At that time, it was -- I'm sorry. I didn't use
4 the Taser, another officer used the Taser, and that was
5 with the probes.

6 Q. And so why is there a use of force report in your
7 file when you didn't use the Taser?

8 A. Because I was on scene, so if you have 20 officers
9 on scene for use of force, every officer's in that
10 report.

11 Q. All right. On September 15th of 2013, what
12 happened?

13 A. Is August 312015? I have September 15th, am I
14 wrong. I don't have that one, sir.

15 Q. What is the next one you have?

16 A. This one is -- I'm sorry, it is September 15th. I
17 read the wrong date. We got a call to a resident in
18 Union Heights in reference to a man who broke into a home
19 and tried to rape a woman. At that time, myself and
20 another officer figured out who the gentleman was. We
21 went to his house and when he opened the door, he was
22 very sweaty and he stated he had just woken up from a
23 dead sleep. They had the same name and we wanted to talk
24 to him. At that time the individual became belligerent
25 and slammed the door in our faces. At that time we tried

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1 to restrain the subject and he proceeded to fight us.

2 At that time a Taser was used to put the gentleman
3 in custody.

4 Q. Did it effect compliance?

5 A. Yes, it did.

6 Q. In all these records we've been reading, these
7 were when you were working in the south area?

8 A. Yes.

9 Q. And your shift at that time was what hours?

10 A. It was 10 p.m. to 8 a.m.

11 Q. So all these incidents were in the early morning
12 hours?

13 A. Yes.

14 Q. What about in December, December 22 of 2013?

15 A. This one happened at 5:22 in the morning. Another
16 officer got out with a subject who was intoxicated. At
17 that time the officer was going to take the person into
18 custody and he resisted, grabbing on to a car. At that
19 time, the subject turned around and bear hugged the
20 officer and tried to grab his equipment on his belt. At
21 that time I used the Taser due to the fact this gentleman
22 was assaulting the other officer.

23 Q. The gentleman was how tall and what did he weigh?
24 6 foot three, 245 pounds?

25 A. Yes, sir, six foot 3, 245 pounds.

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1 Q. And on February 25 of 2014?

2 A. I -- we -- I was dispatched to a domestic violence
3 call.

4 Q. What time was that?

5 A. That was at 3:52 in the morning. And it was in
6 Union Heights and when we arrived on scene, the daughter
7 met us at the door and stated that her mom was being beat
8 up by the boyfriend. As I went through the house into
9 the bedroom, I observed the female laying on the bed, on
10 her back, and the male was on top of her, choking her and
11 told her that you better not tell the police what I'm
12 doing.

13 At that time he was taken into custody without any
14 kind of issue, and then when we got to the vehicle he
15 refused to get into the vehicle. He was handcuffed and
16 refused to get into the vehicle. At that time, after
17 telling him and instructing him multiple times by myself
18 and a sergeant on scene we decided to use eye Taser in a
19 drive stun mode to drive stun him in the pelvic bowl area
20 which is the pelvic region so he could wind of bend down
21 and get limb in the vehicle that's the only way he could
22 have gotten into the scar. After that he complied.

23 Q. On May 4 of 2014, on this incident here, it was at
24 10:44 p.m., and we responded to a call where a roommate
25 would not SLED another roommate inside the house. I

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1 guess they were having some kind of an argument, I don't
2 knee what we call that as we arrived we were outside and
3 we could hear the roommate inside stating -- I'm saying
4 that are you ready for this, to that effect. When he
5 opened the door, he didn't see the police and proceeded
6 to punch the roommate in the face and the roommate fell
7 to the ground. At that time we were told he was -- we
8 told him he was under arrest and we had to use our Taser
9 to effect the arrest? Did he comply at that time?

10 A. He did.

11 Q. Then on May 4 of 2014?

12 A. On that date officer Clement, another officer, it
13 was at 3:33 in the morning conducted a traffic stop on a
14 subject. At that time, he called for backup and I
15 arrived on scene and the officer wanted to get the
16 subject out of the vehicle to do an arrest and the
17 subject ran away.

18 At that time, we ran across Rivers Avenue into a
19 field and I'm pretty sure -- he was not listening to what
20 officers were saying, continued to run, and I used my
21 department issues Taser, but it missed the subject. And
22 then I followed up with the drive stun and he was in
23 compliance. He was handcuffed.

24 Q. And on May 27th of 2014.

25 A. This is somewhat the same incident as the last

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1 one. The subject was in a vehicle at a traffic stop was
2 conducted for speeding and he also ran from the vehicle
3 and he was not compliant with officer's request and he
4 was Tased and taken into custody.

5 Q. So the one on May 4th, when you say speeding, what
6 types of speeds are you talking about?

7 A. I'm sorry. On May 4th it was no turn signal and
8 on May 24th it was speeding.

9 Q. And what type of speeds are you talking about?

10 A. The officer initiated a traffic stop, stated he
11 was going at a high rate of speed through the
12 neighborhood.

13 Q. 100 miles an hour?

14 A. Could have been, yes.

15 Q. And did we do August 8 2014?

16 A. August 8 of 2014, I responded to a gas station at
17 5:19 in the morning to assist another officer who was
18 doing a traffic stop in the parking lot. At that time,
19 they were ran through the computer and they had warrants.
20 The person resisted, did not comply, tried to run away,
21 and a Taser was used to effect the arrest.

22 Q. Suspect was in compliance?

23 A. Correct.

24 Q. And on August 25th of 2014?

25 A. Yes. On August 25th, 2014, another officer

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1 conducted a traffic stop on a vehicle. When that officer
2 conducted a traffic stop, he realized that the license
3 was suspended and he called for another unit. I arrived
4 on scene and another officer arrived on scene. At that
5 time the officer walked up to the vehicle and told the
6 subject to get out of the vehicle, that you're under
7 arrest. The officer told the subject eight to ten times
8 that he was under arrest for driving under suspension and
9 the subject would not comply. He stated no and would not
10 get out of his vehicle. At that time myself and two
11 other officers opened the door and proceeded to get him
12 out of the car. We had to physically pull him out of the
13 car because my was resisting after he was told he was
14 under arrest.

15 When he was in the car, he leaned over to the
16 passenger side and proceeded to grab a bat, a bat or a
17 club. At that time, we yanked him out of the car because
18 he was grabbing that weapon, and if I remember correctly
19 the other officer on scene used -- pulled his firearm out
20 due to the fact that this individual was grabbing a bat.
21 As we pulled him out of the vehicle, we had to pull him
22 out pretty strong he was grabbing a bat we didn't know
23 what he was doing the bat so we yanked him out of the car
24 and he was on the ground. At that time the officers are
25 telling him put his hands behind his back, giving hip

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1 commands he's refusing, he continually putting his hands
2 underneath his stomach in his waistband area and at that
3 time I used my Taser due to the fact of everything that
4 SLED up to the incident and he was taken into custody.

5 Q. He was compliant at that time?

6 A. He was.

7 Q. In a situation like that, is that recorded on a
8 video?

9 A. Yes, that incident it was recorded on two car
10 videos in in two different locations.

11 Q. And these can be ugly situations.

12 A. Yes.

13 Q. But this was investigated?

14 A. It was.

15 Q. And there were four officers presented?

16 A. There three officers and then a sergeant arrived
17 on scene.

18 Q. And you were cleared from any wrongdoing.

19 A. I was.

20 Q. Have you ever been put on the early warning
21 system?

22 A. Not to my knowledge, no.

23 Q. Well, you would know if you were, wouldn't you?

24 A. Yes, I would have.

25 Q. And have you ever been reprimanded in any way as a

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1 result of your use of force?

2 A. No.

3 Q. And have those uses of force been investigated in
4 preparation for this case by outside law enforcement
5 agencies?

6 A. Yes.

7 Q. And have you been reprimanded or in any way told
8 you did something wrong?

9 A. No.

10 Q. The last use of force we talked about was on
11 August 25th of 2014. That's approximately six months
12 before this incident. What changed in your career status
13 at that time, or about that time?

14 A. My wife becoming pregnant.

15 Q. And as a result of her pregnancy, what changed in
16 your work hours, your shift, your location?

17 A. Honestly, my wife sort of nagged me a little bit
18 to go to a normal schedule, so --

19 Q. Is this your wife in the courtroom here?

20 A. Yes.

21 Q. And I guess I forgot to ask, when did you get
22 married?

23 A. We got married September 2010. September 25,
24 2010.

25 Q. And as a result of that have you accepted

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1 financial and emotional responsibility for the children
2 of a previous marriage?

3 A. Yes.

4 Q. How old are they now?

5 A. They're 13 and 15.

6 Q. And as a result of your marriage, did you have
7 plans to have a family?

8 A. Yes.

9 Q. In addition to those two children?

10 A. Yes.

11 Q. Tell us about that.

12 A. I've always wanted a son or a daughter, so due to
13 some medical issues we had to do IVF.

14 Q. Pardon me?

15 A. In vitro fertilization because of some medical
16 conditions so we had to go to a doctor, take out a loan,
17 and they basically make the baby.

18 Q. Did it work?

19 A. It worked. The first time it did not work and we
20 had to do it for the second time. It worked the second
21 time.

22 Q. And I assume that the birth of -- is it a son?

23 A. Yes.

24 Q. Was it a joyous occasion that you attended?

25 A. No, I did not attend.

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1 Q. Why not?

2 A. I was in jail.

3 Q. Why?

4 A. (Pause.) I was in jail.

5 Q. For this case?

6 A. Yes, sir.

7 Q. Do you have a copy before you of Defendant's 101,
8 100, and 102? Let me give you these copies and ask you
9 if you recognize these documents.

10 A. I do, yes.

11 Q. During the course of working, have you received
12 letters from people you've arrested?

13 A. I have, yes.

14 Q. Have you received letters from the chief of
15 police?

16 A. Yes, I have.

17 Q. Have you received letters from Ms. Wilson's
18 office?

19 A. Yes, I have.

20 MR. SAVAGE: Your Honor we'd ask to introduce
21 as evidence Defendant's Exhibits 101, 100, and 102.

22 MR. DuRANT: Objection. Hearsay.

23 THE COURT: I sustain the objection.

24 BY MR. SAVAGE:

25 Q. So without telling us the details of that, have

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1 you heard back from a woman you arrested?

2 A. I did.

3 Q. And you've heard from the chief of police?

4 A. Yes.

5 Q. And you've heard from the solicitor's office.

6 A. Yes.

7 Q. Without going into details regarding your
8 excellence in police work?

9 A. Yes.

10 Q. With respect to Taser training, and I want to stay
11 brief on this, but is sergeant -- is Sergeant Ghi a
12 trainer?

13 A. Yes. He trained me one time, yes.

14 Q. If you would step down, Mr. Slager, and show us
15 with specificity the type of training you received at
16 North Charleston police department regarding the use of a
17 Taser that this jury hasn't heard yet.

18 A. We had training where an officer had his -- a
19 rubber firearm in his holster and then another officer
20 had a Taser in his hand, with a drive stun mode, and the
21 officer with the Taser would have it his side, down,
22 straight like this, with his hand, with your hand down,
23 and we were a certain amount distance away, back up some
24 more, sir --

25 Q. More than 27 inches?

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1 A. Yes, sir, maybe a little bit more, give or take
2 about that area. And what we had to do is the officer
3 had to pull his rubber gun out and say bang before the
4 officer used the live Taser to hit the officer with the
5 firearm.

6 Q. Now, we haven't heard about this before. Who is
7 the sergeant the instructor?

8 A. Sergeant Ghi.

9 Q. And who is the partner you were dealing with in
10 this?

11 A. Michael Bridges.

12 Q. And tell us what happened.

13 A. So when sergeant Ghi was saying go, Mr. Savage
14 would bring his hand up and run towards me with the Taser
15 on, clicking, and try to get me with it. As soon as it
16 went I had to pull the rubber gun out and say bang at the
17 same time so whatever the object was to shoot before I
18 got Tased. It didn't work. There was multiple times
19 where he would say go by the time I pulled my gun out, it
20 was only coming up to this Mr. Savage would already be
21 with me with the Taser in the hand.

22 Q. Did you actually get hit with the Taser?

23 A. I did, a couple times.

24 Q. In the drive stun?

25 A. Yes.

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1 Q. And what happened to your weapon?

2 A. It went flying 20 feet this way, I don't know
3 where it went pain shooting up my arm, all down here. I
4 was stunned, I didn't know what to do.

5 Q. Reverse roles. Now you got Ghi supervising who
6 was the officer?

7 A. The officer would being Mike bridges.

8 Q. So bridges now has the weapon and you have the
9 Taser?

10 A. Correct.

11 Q. Same result?

12 A. Correct. Same result.

13 Q. While you're down here, I'm not going to ask you
14 to take off your shoes, tell us about the penny trick.
15 Stand in front of the jury and tell us about the penny
16 trick?

17 A. So as you've seen before this is the shirt stay
18 this closed loop would go around your foot. This metal
19 would go around your shirt, a little grommet here so your
20 shirt would be between and they would lock it in, and
21 what I did is I used a penny and you stick it between the
22 shirt and the back of rubber grommet like so and that
23 prevents this rubber grommet from coming down at all so
24 your shirt cannot come loose.

25 Q. Let go. You want me to let go or do you want to

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1 get go?

2 A. No, don't get go, sir.

3 Q. And your shirt stayed?

4 A. Absolutely. Your shirt will never come off.

5 MR. SAVAGE: Now retake the stand and answer
6 any questions the prosecutor may have.

7 CROSS-EXAMINATION

8 BY MR. DuRANT:

9 Q. Let's talk a little bit about your career at the
10 North Charleston police department. When did you start,
11 once again?

12 A. I was hired in 2009.

13 Q. And when did you actually begin policing, was that
14 when you started actually doing policing or is that when
15 you were with the field training officer or what?

16 A. With North Charleston, when you get into your
17 field training officer, when you're riding with them
18 that's when you actually start.

19 Q. So that was in when of 2008?

20 A. That was in 2010.

21 Q. Okay (2009 previous question) and of course as
22 being a law enforcement officer, you have a oath, don't
23 you?

24 A. Yes.

25 Q. And you took an oath, correct?

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1 A. Correct.

2 Q. And that oath requires you among other things to
3 safeguard lives and property?

4 A. Yes.

5 Q. To never abuse your authority?

6 A. Correct.

7 Q. And to never employ unnecessary force.

8 A. Correct.

9 Q. And as a police officer, you're also governed by a
10 code of ethics are you not?

11 A. Yes.

12 Q. And these are things that basically an oath you
13 swear to God on the code of ethics you signed, correct?

14 A. Correct.

15 Q. And it's very similar in its contents, correct?

16 A. I think so, yes.

17 Q. And according to your code of ethics the
18 fundamental duty of the police officer is to safeguard
19 lives and property?

20 A. Yes.

21 Q. Respect the constitutional rights of all to
22 liberty, equality, and justice?

23 A. Yes.

24 Q. To develop self-restraint and be constantly
25 mindful of the welfare of others?

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1 A. Correct.

2 Q. To be honest and thought and deed in both your
3 personal and official life?

4 A. Yes.

5 Q. To be exemplary in obeying the law and the
6 regulations of your department?

7 A. Yes.

8 Q. To enforce the law never employing unnecessary
9 force or violence?

10 A. Correct.

11 Q. And that you alone are responsible for your own
12 standard of professional performance.

13 A. That's what it says, yes.

14 Q. And would you agree with that, that you alone are
15 responsible for your own standard of professional
16 performance?

17 A. Yes, everyone is.

18 Q. And as you stated in your direct testimony, you've
19 had quite a bit of training; is that correct? And not
20 just starting with North Charleston police department.

21 A. Uh-huh.

22 Q. Your training began when you were in the Coast
23 Guard, correct?

24 A. Correct.

25 Q. And in the Coast Guard, you were trained in the

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1 use of force?

2 A. Yes.

3 Q. You were trained in defensive tactics level one
4 through four?

5 A. Yes.

6 Q. You were trained in arrest techniques?

7 A. I was.

8 Q. You were trained in handcuffing?

9 A. Yes.

10 Q. You were trained in weapons retention?

11 A. Yes.

12 Q. And you won the pistol marksman ribbon?

13 A. Yes, I did.

14 Q. Which means you're a pretty good shot?

15 A. If you say so, yes.

16 Q. I don't guess they give you that if you're not a
17 good shot, do they?

18 A. No, you do practice.

19 Q. And since going with the North Charleston police
20 department in 2010 is when you really started, I guess,
21 you have training there, correct?

22 A. Yes. We have three days of training every year.

23 Q. And I believe it's been referred to throughout
24 this trial as AIMS training?

25 A. Yes.

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1 Q. And that's annual in service manual training,
2 correct?

3 A. Yes.

4 Q. And with AIMS training you've been involved in
5 active shooter training twice?

6 A. One time.

7 Q. I believe in 2013 and the end of 2014, according
8 to your training log.

9 A. I remember one time.

10 Q. Okay. And would you agree with what's been
11 testified that those are kind of shoot, don't shoot type
12 of scenarios?

13 A. Some of them are, yes.

14 Q. You've been trained in cardiopulmonary
15 resuscitation and first aid in 2012 12, 2013, 2015?

16 A. No, I'm not CPR certified. North Charleston
17 police department does not certify police officers in
18 CPR.

19 Q. I didn't say you were certified I said you
20 received training in CPR and first aid as part of your
21 AIMS training in 2011, 2013, and 2015?

22 A. First aid, yes.

23 Q. And during high school, you worked as a volunteer
24 EMT?

25 A. I did.

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1 Q. And about 16 hours a week for three to four years?

2 A. Correct. No, that's not correct, I'm sorry. It
3 was about two years.

4 Q. You have received training as a police officer in
5 defensive tactics?

6 A. Yes.

7 Q. Pepper spray?

8 A. Yes.

9 Q. Practical problems?

10 A. Yes.

11 Q. Firearms training every year?

12 A. No, firearms qualification every year.

13 Q. Well, firearms qualification every year then,
14 correct?

15 A. Correct.

16 Q. Use of force?

17 A. Correct.

18 Q. Use of deadly force?

19 A. Correct.

20 Q. Legal updates every year?

21 A. Yes.

22 Q. Taser training every year?

23 A. Yes.

24 Q. And specific courses on the use of force in
25 addition to the use of force you get with your various

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1 other weapons training.

2 A. Okay.

3 Q. You were instructed on North Charleston's use of
4 force policy?

5 A. Correct.

6 Q. And, in fact, had to certify that you were
7 familiar with the use of force policy every year as part
8 of your AIMS training, correct?

9 A. I think so, yes.

10 Q.

11 THE COURT: Ladies and gentlemen I'll have
12 you if to the jury room for a few minutes. Please do not
13 discuss the case.

14 (Recess taken.)

15 (In open court, jury not present.)

16 THE COURT: Okay. You can bring the jury.

17 (In open court, jury present.)

18 BY MR. DuRANT:

19 Q. Officer Slager, Mr. Slager, I hand you what
20 previously has been marked as State's Exhibit 258 for
21 identification, I believe, and ask if you recognize that?

22 A. Yes, I do.

23 Q. And what is that?

24 A. It's the North Charleston use of force policy.

25 Q. And is that the North Charleston police department

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1 use of force policy that was in effect at the time you
2 were a policeman on April 4 of 2015?

3 A. Yes, it was.

4 Q. And, if you would, could you read for the jury
5 section two of what the policy of the North Charleston
6 police department is regarding the use of force.

7 A. The North Charleston police department recognizes
8 and respects the value of human life is immeasurable.
9 Police officers because of the sworn responsibility to
10 protect life and property may be required to utilize
11 deadly force or less than deadly force to carry out duty
12 however the protection of life must always take priority
13 over the apprehension of criminals or the protection of
14 property. An officer the North Charleston police
15 department while he she is engaged in a lawful execution
16 of his her legal duties of a law enforcement officer will
17 use only the force which is reasonably and necessary to
18 effect his or her objectives. The officer's
19 responsibility for protecting life must and does include
20 his or her own.

21 Q. Okay. And regarding the use of deadly force,
22 flipping to page four of that document, I believe, under
23 subsection (B), what are the parameters for the use of
24 deadly force under section one?

25 A. (B)1?

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1 Q. Yes, sir, (b)1 A and B?

2 A. Officer may use deadly force only when the officer
3 reasonably believes that the action is in defense of
4 human life including the officer's own or the defense of
5 any person in immediate danger of serious physical
6 injury. And B is to prevent the escape of a fleeing
7 felon who the officer can clearly establish facts that
8 indicated that the felon if allowed to flee will pose an
9 immediate threat to human life and, E.

10 Q. And, finally, moving on to, I believe, page 11,
11 section M, what does it say?

12 A. You said section M?

13 Q. Yes, sir.

14 A. In all cases of use of force, whether deadly or
15 now deadly force medical treatment consistent with any
16 injuries sustained by an individual will be immediately
17 provided in the form of immediate minor first aid or
18 request for EMS.

19 Q. Now, as part of your training as a police officer,
20 you underwent training at the academy?

21 A. Yes.

22 Q. As well, correct, South Carolina Criminal Justice
23 Academy, and what do they teach you in terms of the use
24 of deadly force and I believe it's been referred to as
25 ability, opportunity, jeopardy. Did you learn that as

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1 well?

2 A. Yes.

3 Q. And could you explain to the jury what that means.

4 A. Act is the ability for somebody to use it.

5 Opportunity is the opportunity to do it, and jeopardy is
6 if the person has a weapon, they're going to do it.

7 Q. Okay. So the person has to have the ability to
8 cause death or serious bodily injury, correct?

9 A. Correct.

10 Q. The opportunity to do that, correct?

11 A. Correct.

12 Q. And the officer or the public actually has to be
13 in jeopardy?

14 A. Correct.

15 Q. Now, with regard to this particular morning, April
16 the 4th of 2015, that was a Saturday morning was that
17 correct?

18 A. Yes.

19 Q. And how long had you been working days?

20 A. Maybe six, seven months.

21 Q. Okay. And had you been in Charleston Farms that
22 whole time?

23 A. I was assigned to Charleston Farms, correct, the
24 whole time.

25 Q. And is Saturday morning, that time Saturday

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1 morning typically a high crime time?

2 A. Crime happens at any time during the day.

3 Q. I understand?

4 A. I can't answer that question.

5 Q. So it wasn't your experience as a police officer
6 that when you were on nights that it was frequently more
7 busy than it was during the daytime?

8 A. I also worked a different area of and I didn't
9 work Charleston Farms.

10 Q. Okay. Fair enough. When you were on duty you
11 monitor the radio, correct?

12 A. Correct.

13 Q. And when somebody like Officer Habersham or
14 Officer Baniyas has to go to city hall for whatever do
15 they generally radio (C) that in?

16 A. Sometimes for the warrants the warrant officer
17 might call in on the telephone so they might. I don't
18 remember.

19 Q. But you knew what the staffing issues were that
20 day, correct?

21 A. I don't recall now.

22 Q. So you don't recall it was you and Habersham and
23 Baniyas and Heather Lawrence being on duty that day?

24 A. I don't recall.

25 Q. And you would agree it was your decision to make

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1 the traffic stop, correct?

2 A. That's correct.

3 Q. And you didn't know that Officer Banias and
4 Officer Habersham were at city hall?

5 A. No, I didn't.

6 Q. Were you aware it took Officer Habersham
7 two-and-a-half minutes to get to your location, correct?

8 A. I didn't know that did no now -- I'm sorry I
9 didn't know that then. I know that now.

10 Q. You know that now, and is that an unreasonable
11 amount of time?

12 A. No.

13 Q. I had got there pretty quick, didn't he coming
14 from city hall?

15 A. Had he would have got there quicker if he was in
16 Charleston Farms with me.

17 Q. And after you stopped the car, you went up to the
18 car and got the driver's license, correct?

19 A. Correct.

20 Q. Did you ever check the driver's license?

21 A. I don't recall. I might have glanced at it.

22 Q. Wouldn't that be the first thing you do is to
23 check the driver's license to see if the guy you're
24 looking at is the same face you're looking at on the
25 driver as license?

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1 A. Correct, but sometimes the driver's license
2 picture is taken years before.

3 Q. That's true. And you had the suspect's car there,
4 correct?

5 A. He was parked in the parking lot.

6 Q. Okay. And there was a passenger in the car?

7 A. Correct.

8 Q. And if I understand this correctly, you said that
9 when Mr. Scott ultimately ran, you got out and locked
10 your car?

11 A. Correct.

12 Q. Did you have to do that with a key?

13 A. I have a key fob.

14 Q. So it was a key fob. And you determined to chase
15 him?

16 A. Correct.

17 Q. And that was within policy, correct?

18 A. We don't have a foot chase policy.

19 Q. I'm told you have a policy regarding taking
20 someone into custody, right?

21 A. Correct.

22 Q. So the ultimate decision as to whether you're
23 going to put someone in custody is once again yours to
24 make?

25 A. Correct.

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1 Q. And again they ran?

2 A. He did.

3 Q. And he didn't threaten you before he ran?

4 A. No.

5 Q. And Mr. Pierre Fulton didn't threaten you before
6 Mr. Scott ran, correct?

7 A. I didn't talk to the passenger.

8 Q. And neither one of them were belligerent to you at
9 the car, correct?

10 A. No.

11 Q. And Mr. Scott go give the story about him being in
12 the process of buying the car?

13 A. He stated had he owned the car and he stated he
14 did not own the car and he was in the process of buying
15 it.

16 Q. He said he was getting the car from a neighbor?

17 A. I don't recall that.

18 Q. And they were supposed to go to DMV Monday and
19 consummate that?

20 A. That's correct.

21 Q. And that's what he told you?

22 A. He told me about the DMV on Monday, yes.

23 Q. And he ran. There's no question about it.

24 A. Yes.

25 Q. And it is true that someone would not normally run

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1 for an equipment violation?

2 A. Not in my experience.

3 Q. You've had people run for other traffic kind of
4 stuff but not for like an equipment violation?

5 A. Correct.

6 Q. In your experience as a police officer is having a
7 warrant a good reason that someone generally runs from
8 you?

9 A. It's one of the reasons.

10 Q. It certainly is one of the reasons because if
11 somebody's got a warrant and they know they got a warrant
12 and they know they're going to jail, it's normal for them
13 to run, correct?

14 A. You could say that, yes.

15 Q. And did you have any reason at the time to believe
16 that Mr. Scott had done anything to violate the law at
17 the time that he ran other than the insurance situation
18 and the ownership situation?

19 A. When you conduct a traffic stop and somebody is
20 detained, so he was fleeing after being detained, and
21 when he got out of the car the first time, when I
22 instructed him to get back in the vehicle he was not free
23 to leave, that was another reason.

24 Q. I understand that, and then -- so he was not free
25 to leave?

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1 A. Correct.

2 Q. But he ran.

3 A. He did.

4 Q. And you determined to chase him?

5 A. Yes.

6 Q. And you did chase him.

7 A. I did.

8 Q. And some ten to 15 seconds later you decided you
9 were going to use the Taser?

10 A. I don't recall the time at the time.

11 Q. And you told him that you were going to use the
12 Taser?

13 A. I did.

14 Q. And you took the Taser, your Taser out and yelled
15 Taser, Taser, Taser?

16 A. I don't recall if I yelled at first then took it
17 out or I took it out and then yelled.

18 Q. And at that time, had Mr. Scott done anything to
19 escalate the situation other than running?

20 A. No.

21 Q. And at that time had Mr. Scott done anything to
22 threaten you other than just trying to get away?

23 A. No, not at that time.

24 Q. Now, let's talk a little bit about the video. And
25 I believe you've already conceded you are the officer on

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1 that video, correct?

2 A. That's correct.

3 Q. And I believe you have also conceded that
4 Mr. Scott, the man with the green shirt on the video was
5 the man you killed.

6 A. That's correct.

7 Q. Would you concede from watching the video that
8 Mr. Scott did not have your Taser at the time that you
9 killed him?

10 A. No.

11 Q. You don't concede that?

12 A. At the time I was there, I did not know.

13 Q. I'm saying, from watching the video, sir, do you
14 concede that at the time that you shot Mr. Scott he did
15 not have your Taser?

16 A. Yes, after learning information now, I do.

17 Q. Okay. Well, let's look at it. I'd like to direct
18 your attention to State's Exhibit 237. And I'd like to
19 ask you some questions regarding this video, if I could.

20 Let me go back to the beginning of this. I want
21 to turn it up a little bit. Did you hear the clicking
22 noise at the beginning of this?

23 A. I did.

24 Q. And that was you Taser, could you agree?

25 A. I believe so.

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1 Q. And would you agree that was the last activation
2 of your Taser?

3 A. I don't have the Taser log, no.

4 Q. You don't hear it on here after that incident, do
5 you?

6 A. I don't.

7 Q. Okay. This is the first time y'all come into view
8 on this other than the struggle on the ground. This is
9 the first time that y'all come into view on this
10 videotape; is that correct? That's at 13 seconds.

11 A. I think at frame four maybe.

12 Q. Pardon me?

13 A. I think two frames back you can see.

14 Q. Yes, there are frames back, but would you agree
15 this is the first time that you can see what's happening?

16 A. No, I think you can see --

17 Q. Well, let me go back a frame.

18 A. I can see --

19 Q. Okay. Or another frame or another frame or
20 another frame or another frame or another frame. Would
21 you agree that this is the first time you can see,
22 basically what happened?

23 A. I think the frame before you can see.

24 Q. Okay. And you are grabbing Mr. Scott's right hand
25 with your left hand, correct?

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1 A. Correct.

2 Q. And Mr. Scott's hand, right hand, appears to be
3 empty?

4 A. It appears to be.

5 Q. Okay. And we know that Mr. Scott had a phone in
6 his left hand, correct?

7 A. Correct.

8 Q. And would you agree he's not holding a Taser in
9 that scene shot?

10 A. At the time? No, but after looking at the video,
11 yes.

12 Q. Okay. And if you look down between your legs,
13 there appears to be a dark object there. Do you know
14 what that is?

15 A. It could be my shoe.

16 Q. Could be. Could be the Taser too, couldn't it?

17 A. It could be, yes.

18 Q. Okay. And your right leg goes back towards,
19 correct?

20 A. It might go to the side --

21 Q. It might go to the side but it might go backwards
22 too, correct?

23 A. It could, but I don't recall.

24 Q. Okay. Let's see where it ends up. Okay. Now
25 would you agree your right leg is behind you?

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1 A. With the angle of the camera it could be to the
2 side.

3 Q. Okay. And what is that thing rolling along the
4 ground behind you?

5 A. That would be the Taser.

6 Q. Okay. And what is Mr. Scott doing now?

7 A. He's moving away.

8 Q. So would you agree that this -- at this time he is
9 not armed and he is running away from you.

10 A. Like I stated, at the time, before, I would say
11 no, but after watching the video, yes.

12 Q. Okay. Would you agree that Mr. Scott was roughly
13 in that position when you had you fire the first shot?

14 A. When I fired the first shot.

15 Q. Yes.

16 A. At the time I would say no. After watching the
17 video I would say yes.

18 Q. You appear to be looking down at the ground behind
19 you there. Would you tell us what you're looking at?

20 A. Yes. After firearms qualification we're trained
21 to scan, to look to the left and to the right.

22 Q. Are you trained to scan them on the ground?

23 A. I don't think I was looking to the left and right.
24 I don't recall where I was looking if I was looking to
25 the ground consider my head might be down but my eyes

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1 might be looking this way.

2 Q. Do you agree that you appear to be looking down
3 and you appear to be looking behind you?

4 A. The video, yeah, it appears to do but I don't
5 think that's true.

6 Q. Okay. Now, I believe at this time you said you
7 did not know if Mr. Scott was armed or not.

8 A. Correct.

9 Q. Correct? Aren't you generally trained when you're
10 approaching someone that you think might be armed you are
11 trained to have your weapon on them it and aimed in case
12 in fact he's armed and he turns around to shoot you?

13 A. Yeah, (C) but in this situation everything leading
14 up to the shooting, I was tired, I ran 200 yards, I was
15 in a fight on the ground, Mr. Scott was coming after me
16 with the Taser twice. In my mind, I don't -- my mind was
17 like spaghetti.

18 Q. You were in the fight still?

19 A. I was in the fight, yes.

20 Q. Because you had been provoked.

21 A. I'm sorry?

22 Q. Because you had been provoked, right?

23 A. No.

24 Q. Oh, you hadn't been provoked?

25 A. No.

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1 Q. Okay. So you don't consider Mr. Scott coming at
2 you with a Taser as being provoked?

3 A. To defend myself? Self-defense, yes.

4 Q. Or provoked period.

5 A. No. I was doing my job.

6 Q. Okay. Who are you yelling at there?

7 A. We're trained in training and also active shooter
8 training to make loud verbal commands for a subject to
9 put their hands behind their back.

10 Q. You sound like you could be angry there, but it
11 you're not angry, right?

12 A. No, I was giving loud verbal commands like I was
13 trained to do.

14 Q. To the corpse?

15 A. I'm sorry?

16 Q. To the corpse?

17 A. At that time I did not know if Mr. Scott was
18 armed, I didn't know if Mr. Scott had passed.

19 Q. And you handcuffed him, right?

20 A. I did.

21 Q. And that's what you're trained to do?

22 A. Yes. Department policy says that's what we're
23 supposed to.

24 Q. Didn't search him for a weapon?

25 A. If I recall when I was handcuffing him I was

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1 looking at his waistband on his back.

2 Q. Didn't roll him over to see if he was on a weapon?

3 A. Did not.

4 Q. Didn't look for the Taser?

5 A. After I handcuffed him I looked for my Taser.

6 Q. And just to be clear, that is your Taser that you
7 picked up?

8 A. That is correct.

9 Q. Okay. And that is the same Taser that we just saw
10 that was eight feet behind you when the shooting started?

11 A. At the time of the shooting I didn't know the
12 Taser was behind me.

13 Q. I'm talking about what the video shows. Is that
14 the same Taser that was eight feet behind you at the time
15 the shooting started?

16 A. That's correct.

17 Q. All right. And who is that arriving?

18 A. That's Officer Habersham arriving calling for his
19 kid to render aid to Mr. Scott.

20 Q. Okay. We're going to back that up because that's
21 kind of hard to miss, isn't that, sir?

22 A. I'm sorry?

23 Q. It's kind of hard to miss, isn't it?

24 A. Miss Habersham rendering aid?

25 Q. No, miss what you did with that Taser it's kind of

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1 easy to miss, isn't it? This is the part I'm talking
2 about that is pretty easy to miss?

3 A. Okay.

4 Q. And what is dropping out of your right hand?

5 A. It appears to be the Taser.

6 Q. Okay. Would you agree by this time Mr. Santana
7 moved around and was in clear view of you?

8 A. Appears to be.

9 Q. And clearly taping you at this point?

10 A. It appears to be, yes.

11 Q. And that's when you decided to pick up the Taser?

12 A. That's when I picked up the Taser, yes.

13 Q. Now -- and would you agree that you know where all
14 that videotape, did you ever administer any first aid to
15 Mr. Scott other than walk up to him at one point and
16 check his pulse?

17 A. I did not. When I came back, Officer Habersham
18 was administering first aid and at that time, you know, I
19 had run -- I had been in that whole fight, the whole
20 situation, and I don't remember what happened after that.
21 I don't remember dropping the Taser. I don't remember
22 anything.

23 Q. Well, you have a pretty clear recollection what
24 went on here. It seems like you're just not remembering
25 the things that are bad for you?

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1 A. Some things I remember, I don't remember Walter
2 Scott on top of me. I don't remember Walter Scott's arm
3 around my neck, certain things -- I don't remember the
4 ground fight.

5 Q. We're going to go into some of that stuff in some
6 depth. We're going to start talking about that. After
7 this incident, you told lieutenant Bowman what happened,
8 correct?

9 A. Yes. He asked me what happened and I told him the
10 best of my knowledge and the best of my memory what
11 happened.

12 Q. And you told him pretty much what you testified to
13 today except you told him that you drive stunned him
14 twice?

15 A. I don't have the statement. I need to look at
16 that.

17 Q. Okay. I believe you said pretty much the same
18 thing, you stopped him, he ran, you chased him, you Tased
19 him once it didn't work you Tased him again he locked up,
20 went on the ground, continued to struggle with you and
21 you drive stunned him once in the side and once in the
22 back.

23 A. Like I said, I need to look at that statement.

24 Q. Okay. And would you agree that your Taser was
25 activated six different times on that occasion?

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1 A. Yes, it was.

2 Q. And referring to State's Exhibit 14, have you seen
3 that before?

4 A. Yes, I have.

5 Q. Okay. And that is basically the activation times
6 for the Taser; is that correct?

7 A. Yes, it is.

8 Q. And there's a short two second one at the
9 beginning of the day, was that a spark test?

10 A. Yes, it was.

11 Q. And what is a spark test again?

12 A. When we come on shift in the morning, we take the
13 cartridge out and we turn it on just to make sure the
14 unit is working.

15 Q. Okay. And you did that that morning, correct?

16 A. Yes, I did.

17 Q. And then it shows a five second burst from 9:36:26
18 to 9:36:31, that is the one that had no effect on
19 Mr. Scott?

20 A. Yes, I think so.

21 Q. Okay. And then it shows a second eight seconds
22 later it shows a second deployment that went from 9:36:39
23 to 9:36:44, another five section burst; is that correct?

24 A. Correct.

25 Q. Followed one second later by a section five second

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1 burst, correct?

2 A. Correct.

3 Q. Okay. And that is the Taser deployment that
4 brought Mr. Scott down, correct?

5 A. Yeah, to my knowledge. At the time, yes, but now,
6 after looking at the evidence, I don't think it did.

7 Q. I believe what you said to the officers on the
8 scene and Lieutenant Ghent and Angela Peterson was that
9 he locked up and went down?

10 A. I said that, yes.

11 Q. Okay. And what did you mean by locked up?

12 A. He became stiff and fell down.

13 Q. Which is what happens when someone is Tased and
14 NMI is achieved, correct?

15 A. Right.

16 Q. And then it shows a six second gap?

17 A. Yes.

18 Q. And then another Taser deployment, correct?

19 A. Correct.

20 Q. And then there's a 24 second gap and then another
21 Taser deployment, correct?

22 A. Correct.

23 Q. And then there's a three second gap and a final
24 Taser deployment, correct?

25 A. Yes, that's correct.

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1 Q. And -- which I believe is the last one we hear on
2 that video, correct?

3 A. It appears to be, yes.

4 Q. And when you talk to lieutenants Ghent and
5 Peterson son April the 7th, would you agree that you told
6 them that you never smelled any marijuana or suspected
7 that Mr. Scott had any guns or suspected Mr. Scott had
8 any illegal drugs or anything of that nature?

9 A. At the time, yes.

10 Q. Okay. And I believe you acknowledged that you
11 didn't have an opportunity to run his license and his
12 criminal history, correct?

13 A. Correct.

14 Q. So you didn't know that Mr. Scott had a child
15 support warrant, correct?

16 A. No, I also didn't know he was armed and dangerous
17 and violent tendencies.

18 Q. Oh, he was, huh? How was he armed and dangerous?

19 A. That's something I learned later.

20 Q. Okay. And for what?

21 A. I'm sorry?

22 Q. For what?

23 A. I --

24 Q. Because he had a simple assault conviction 25
25 years before, correct?

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1 A. I don't.

2 Q. Is that what you're talking about when you said
3 you wouldn't get out of the car because he had a simple
4 assault conviction 25 years before?

5 A. No, sir. What happens is when you run the
6 computer program, NCIC, it comes back -- been ALERT will
7 come back.

8 Q. Right?

9 A. And it will say armed and dangerous with violent
10 tendencies.

11 Q. Right?

12 A. So at that point --

13 Q. I understand that --

14 MR. SAVAGE: Allow the witness to answer the
15 question.

16 MR. DuRANT: I'm list letting hip answer the
17 question.

18 MR. SAVAGE: I object.

19 MR. DuRANT: The fact of matter is he already
20 testified that he had not run his he criminal history.

21 THE COURT: The objection is sustained.

22 MR. SAVAGE: Thank you, Your Honor.

23 THE COURT: Allow the witness to answer the
24 questions.

25 BY MR. DuRANT:

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1 Q. Had you run his criminal history?

2 A. I did not.

3 Q. Okay. You have seen his criminal history since
4 then, have you not?

5 A. I have seen it since this occurred, yes.

6 Q. And he doesn't have a history for being armed and
7 dangerous, does he?

8 A. I don't know.

9 Q. You've seen the rap sheet?

10 A. I have.

11 Q. The only thing that he had on his rap sheet in the
12 last 25 years was for child support and traffic?

13 A. Something -- if I remember correctly he had said
14 about a bludgeoned object, I don't know.

15 Q. In 1989, correct?

16 A. I would have to see that.

17 Q. And so when you blurt out that he was armed and
18 dangerous, that's why he was armed and dangerous; is that
19 correct?

20 A. I don't know -- I haven't read the report. I need
21 to recall that rap sheet.

22 Q. But you have seen the rap sheet?

23 A. A couple months ago, yes, sir.

24 Q. Uh-huh. Okay. And you knew that he had a phone
25 in his hand while you were chasing him?

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1 A. Correct.

2 Q. You saw the phone in his hand?

3 A. Correct.

4 Q. You heard people talking to him through the phone
5 in his hand?

6 A. Correct, because he was on speaker phone.

7 Q. Right, and telling him to do what you said,
8 correct?

9 A. Correct.

10 Q. During the chase never threatened you, correct?

11 A. I'm sorry?

12 Q. During the chase in Tase one and Tase two never
13 turned around and confronted you?

14 A. Yes, he did.

15 Q. During the chase and before Taser one and Taser
16 two are you changing your story now. Now you're saying
17 he did turn around and after you gave him 50 thousand
18 volts and he locked up on the ground?

19 A. I'm sorry. I thought you said the whole incident
20 I didn't know you were you can talking about between
21 Taser one and Taser two. So between Taser one and Taser
22 two he was running away.

23 Q. And then we get to him being on the ground.

24 A. Correct.

25 Q. You only had two cartridges with you that day,

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1 correct?

2 A. Yes, I did.

3 Q. And you had used both of those cartridges correct?

4 A. Correct.

5 Q. And you had ejected both of those cartridges from
6 your Taser?

7 A. Correct.

8 Q. Before Mr. Scott gained possession of it?

9 A. Correct.

10 Q. So at that point, that Taser was a threat in drive
11 stun mode only, correct?

12 A. To me, yes.

13 Q. Now, you said that Mr. Scott jerked the Taser out
14 of your hand?

15 A. Yes.

16 Q. And toned it towards you, correct?

17 A. Correct.

18 Q. Was that when you were on the ground or was that
19 after you all stood up?

20 A. We were on the ground.

21 Q. Okay. And then y'all stood up?

22 A. Yeah, because I was trying to get away from him
23 when he was coming after me with the Taser, coming at me
24 with the Taser.

25 Q. Kind of like he was trying to get away from you

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1 earlier, correct?

2 A. No. He was coming towards me, if he was trying to
3 get away he would have gone the other way, so he was
4 coming towards my with the Taser.

5 Q. I'm talking about from advance auto all the way
6 from the time you Tased him twice would you agree he had
7 done nothing at that point other than try to get away
8 from you.

9 A. Correct. He was fleeing.

10 Q. Okay. And would you agree that you -- after you
11 drive -- you Tased him and you locked up, you drive
12 stunned him once, at least once and perhaps twice, based
13 upon your previous statements?

14 A. Once, perhaps twice.

15 Q. And have you ever been Tased?

16 A. Yes, I have.

17 Q. And does that feel good?

18 A. No, it does not.

19 Q. And you haven't barb Tased and drive stunned or
20 both?

21 A. Both.

22 Q. Okay. And when you were getting Tased with the
23 drive stun, what is your natural reaction?

24 A. To get away.

25 Q. To make it stop, right?

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1 A. Right.

2 Q. To get away. And that's what Mr. Scott was doing,
3 wasn't he?

4 A. He wasn't complying the whole scenario.

5 Q. He was trying to get away?

6 A. He would any -- he never stopped, after I gave him
7 multiple commands to stop, even before the Tasing.

8 Q. Now -- and you told Lieutenant Ghent and Agent
9 Peterson that he was on his feet coming at you with the
10 Taser extended?

11 A. Correct.

12 Q. And would you agree that you were focussed on that
13 Taser?

14 A. I was focussed on him and the Taser and I can see
15 the Taser coming at me when we were on the ground.

16 Q. Okay. And I wasn't clear from your direct
17 testimony. Are you saying that he Tased you or didn't
18 Tase you or what?

19 A. That whole situation, I don't remember everything
20 that happened. Some things I remember and some things I
21 don't.

22 Q. You would agree that you never told anybody that
23 he had Tased you, correct?

24 A. That's correct but I told Sergeant Webb and
25 Driggers when he turned the Taser around and he was

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1 coming at me. I told him at the scene.

2 Q. I think you told everybody that he turned it
3 around and was come being at you toward it but you never
4 told anybody that he Tased you with it, correct?

5 A. I might not have remembered in the fight, some
6 things I don't remember.

7 Q. And do you recall telling them -- again, I'm back
8 to Ghent and Peterson, that you located the Taser in
9 between where you shot and where Mr. Scott came to rest
10 on the ground?

11 A. I did. When I told them that three days later, I
12 wasn't out there measuring distances. I wasn't out there
13 measuring where the shell casings were. I wasn't
14 measuring where the Taser was, so this, to the best of my
15 knowledge the best I remember so I can't give an exact
16 distance where it was, but from what I thought and what I
17 remember, that's what I told them (distance).

18 Q. Okay. But you have to acknowledge that
19 Mr. Scott's hat was right there, right where you were
20 shooting and his body was 55 feet away and it wasn't
21 found in between those two Landmarks was it?

22 A. No, it wasn't.

23 Q. And you also told him that you picked up the Taser
24 and put it in your holster?

25 A. Correct.

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1 Q. Because you were concerned that somebody may be
2 coming to help Mr. Scott.

3 A. Correct.

4 Q. And that was true, correct?

5 A. What was true?

6 Q. That you eventually put it in your holster because
7 you thought somebody was coming, but you neglected the
8 part about dropping it by Mr. Scott's body; is that
9 correct, would you agree with that?

10 A. Yeah. At that time, I don't remember that
11 happening. You know, I grabbed the Taser off the ground,
12 like you stated because somebody else coming, where the
13 passenger was, who Mr. Scott was talking to on the phone,
14 and I don't -- you don't leave a weapon in the middle of
15 a field like that, so I picked it up and I don't know why
16 I dropped it on the ground, but I did pick it up seconds
17 later. It wasn't because I was policing my gear. I
18 can't even answer to that.

19 Q. Yeah, I have no problem with you consolidating
20 your gear, sir if you pick it up and put it in your
21 holster, that's how you consolidate it, correct?

22 A. You also consolidate on the scene too.

23 Q. What?

24 A. Consolidate on the scene.

25 Q. Sir, if you're going to secure your Taser, you

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1 pick it up from the ground and you put it where?

2 A. In my holster.

3 Q. Do you agree that when you talked to Ghent and
4 Peterson that you never told them that you thought
5 Mr. Scott had a weapon?

6 A. Rephrase that question.

7 Q. Do you agree that you never told Agents Ghent and
8 Peterson that you thought Mr. Scott had a weapon, other
9 than your Taser, I into he about your Taser, correct?

10 A. Yes. I think I did state to them that I didn't
11 know if he had anything else on him.

12 Q. And that you never saw him, you know, throwing
13 down drugs or anything like that that Mr. Savage has
14 intimated 15 or 20 times during this trial?

15 A. Well, when we ran around the corner with the fence
16 and the foliage I lost sight of Mr. Scott and with that
17 arm movement I don't know what he was doing, was he
18 trying to SWAT --

19 Q. His arm movement as you described as doing this?

20 A. Correct.

21 Q. Okay, take that many times to throw something to
22 the ground beside you?

23 A. I don't know, sir.

24 Q. The fact of the matter is you're starting to make
25 up things as we go along, aren't you?

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1 A. No.

2 Q. Never said that a year-and-a-half ago?

3 A. I need to look at the report. I'm pretty sure I
4 told Angela Peterson that.

5 Q. Never said anything that you were afraid he was
6 going to run and hide behind a tree and shoot you with a
7 gun?

8 A. I need to look at that report.

9 Q. Any said anything about him punching you?

10 A. No, like I said, we were rolling around on the
11 ground and, you know, he was on top of me.

12 Q. Never said anything about that, did you, him being
13 on top of you?

14 A. No, because I don't remember that.

15 Q. Okay. Never said anything about him kicking you?

16 A. No.

17 Q. Or scratching you, correct?

18 A. The kicking part, like I said we were in a fight
19 on the ground. I don't remember everything that
20 happened.

21 Q. Okay. Or biting you?

22 A. I don't think he bit me.

23 Q. Or cursing you?

24 A. I don't -- I don't recall what -- some of the
25 things Mr. Scott said and what I said, I don't recall

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1 some of them.

2 Q. Or Tasing you?

3 A. No. I stated on the scene that he grabbed my
4 Taser and I showed officers what he did and he was coming
5 after me, so I don't, you know, recall what happened.

6 Q. I understand, and you testified to that. I'm
7 saying what you didn't tell me, okay, and would you agree
8 that you didn't tell them this stuff?

9 A. Direct and the reason I probably didn't say
10 anything is because I don't remember it happening.

11 Q. Or that he had gotten on top of you?

12 A. That's correct. I never told anyone that because
13 I don't remember.

14 Q. Or that he had you in a head lock, never said
15 anything about that?

16 A. No, I don't remember.

17 Q. Or that he had you in a choke hold?

18 A. I don't remember that, sir.

19 Q. Or that he had ever at any point during this
20 donnybrook had any kind of tactical advantage over you at
21 all?

22 A. Like I stated, we were rolling around on the
23 ground, fighting, and I don't remember everything that
24 happened.

25 Q. You described it as him wiggling and trying to get

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1 away?

2 A. Correct, he was.

3 Q. Did agent Peterson go over her notes with you?

4 A. She read them back to me.

5 Q. When she read them back to you, did you agree that
6 that is what happened?

7 A. I think -- I know Mr. Aylor said we had to end the
8 meeting so we left. I don't recall.

9 Q. So you don't recall whether or not she went over
10 her notes with you line by line for some 45 minutes?

11 A. I don't recall.

12 Q. Okay. And do you recall telling her that that was
13 a true and accurate account of what had happened to you
14 that day?

15 A. I don't recall.

16 Q. So it's your testimony today that you believe
17 Mr. Scott had the Taser as he ran away from you, correct?

18 A. Yes, that's correct.

19 Q. And would you agree that that Taser in its current
20 state at that time was not a threat to you from a
21 distance?

22 A. No.

23 Q. Okay. And could you explain to the jury how that
24 Taser was a threat to you at a distance.

25 A. At that time when Mr. Scott was coming after me

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1 with the Taser, I drew my weapon and fired. I was
2 focussed on the front sight and that's all I know. I
3 know, you know, he tried to Tase me when we were on the
4 ground. I'm backing away, getting away he's still coming
5 after me with the Taser and at that point I made the
6 decision to use lethal force but Mr. Scott never stopped.
7 He was always dangerous.

8 Q. 18 feet away from you he was still dangerous with
9 that Taser?

10 A. At that point when I started shooting -- I didn't
11 know what was going on with distance I didn't know what
12 was going on with all that so I fired my firearm until
13 the threat was stopped.

14 Q. So you can't change your mind.

15 A. I'm sorry?

16 Q. You can't change your mind?

17 A. I made that decision. I did it.

18 Q. And you would acknowledge that he was 18 feet away
19 from you when you fired the first shot?

20 A. At that time, on April 4th, 2015 I can't tell you
21 that, but now, 18 months later, sitting in a courtroom
22 and hearing everybody's testimony, he was 17, 18 feet
23 away.

24 Q. 18 feet when the first shot was fired, some 40
25 feet away when the last shot was fired, and it was a nice

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1 long pause between seven and eight, was there not?

2 A. I watched the video. There was.

3 Q. Would you agree that even if Mr. Scott had that
4 Taser it could not have been used against you at the
5 distance depicted on that video?

6 A. At that time, I didn't have that information, so I
7 can't answer that question.

8 Q. That wasn't my question, sir. I wasn't asking
9 what was in your mind at that time. You've seen the
10 video.

11 A. I have.

12 Q. And you've heard that he was 18 feet away. Would
13 you agree that he was not a threat to you with that Taser
14 without a cartridge from that distance?

15 A. No.

16 Q. Okay. So you're going to stick that that.

17 A. Yes, and the reason is, from 18 feet, he could
18 have turned around and attacked me again, and they would
19 have been able to Tase me --

20 Q. Come on down. Okay. In your training-e ever size
21 Mr. Savage went through with you, y'all were about this
22 far apart?

23 A. A little farther.

24 Q. Okay. I'll give you that. That far apart. Okay?
25 And the test was, could you shoot him before he Tased

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1 you.

2 A. Correct.

3 Q. Okay. Both of you have weapons in your hand at
4 the time or did you have to draw?

5 A. I have to draw from the holster.

6 Q. Okay. So you have to draw from the holster. This
7 guy's got the weapon in his hand, okay?

8 A. Correct.

9 Q. So, yes, he has to make one step to get to you,
10 correct?

11 A. Correct.

12 Q. Would you agree -- pull it tight, that this is a
13 difference perspective?

14 A. It is a different perspective, yes, now it is.

15 Q. And could you tell me, assuming I had the Taser in
16 my right hand or left hand and I am in this position 18
17 feet away could you tell the jury how you were threatened
18 with it?

19 A. At the time, that decision was made when Mr. Scott
20 was 27 inches, toe to toe, leaned at the waist right hand
21 extended.

22 Q. Yes, but you didn't shoot him then did you?

23 A. I pulled my issued Glock out and shot.

24 Q. As he was at a dead run, correct?

25 A. I did it as fast as I could.

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1 Q. You may resume your seat. Thank you, sir. And
2 regarding the radio transmission which you made, 223
3 dispatch, shots fired, suspect down, he grabbed my Taser,
4 that's what you said, correct?

5 A. That's correct.

6 Q. Would you agree that you said he grabbed my Taser,
7 you never said he took my Taser.

8 A. To me it's the same thing, if you grab something,
9 if you grab an object, same thing as took.

10 Q. But it could also mean something else, couldn't it
11 that I had grabbed the Taser and didn't take it?

12 A. Not meet.

13 Q. Because it could also mean that as he was getting
14 the heck drive stunned out of him he grabbed your Taser
15 trying to get it away from him?

16 A. Not to me, no.

17 Q. Okay. And we've been through Mr. Savage went
18 through your use of force incidents and we're not going
19 to plow through that again in depth, but you would agree
20 that you had 18 use of force incidents in just over four
21 years?

22 A. That's what -- do you have the use of form paper I
23 can confirm with?

24 Q. Pardon me?

25 A. I need to look at the --

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1 Q. Do you still not have your notes with you?

2 A. Yeah, I do right here.

3 Q. Okay.

4 A. That seems about right.

5 Q. And 14 of those involve Taser use, correct?

6 A. One was just presenting the Taser, not using it,
7 the other one was the other officer used a Taser, and I
8 think there's a third, fourth one of the other officer
9 using a Taser. I did not use the Taser.

10 Q. It's true basically that these things are
11 investigated by your sergeant, correct?

12 A. Yeah -- from what I know is it goes from my
13 sergeant to lieutenant and then up the chain of command
14 all the way to internal affairs.

15 Q. Right, and your sergeant writes it up and it's
16 rubber stamped on up the chain of command to the chiefs
17 of police, pretty much?

18 A. I don't know what the lieutenant or above does
19 with these reports. All I know is when there's use of
20 force, the sergeant interviews all officers on scene,
21 talks to the subject, looks at video and does the report.

22 Q. If the subject is available and if the video is
23 available, correct?

24 A. I'm pretty sure that subject is available.

25 Q. And wouldn't it be safe to say that sometimes the

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1 suspect's version of what happens differs from the police
2 officer's version of what happens?

3 A. It could be, yes.

4 Q. And routinely those kind of uses of force are
5 approved?

6 A. I don't know. I don't have any insight of what
7 the lieutenant above think about use of force.

8 Q. Because basically the fox is guarding the hen
9 house?

10 A. I don't know anything about that.

11 Q. And just a for instance you mentioned one where
12 you went to the house looking for the burglary suspect?

13 A. Correct.

14 Q. And you knocked on the door and he opened the
15 door?

16 A. Correct.

17 Q. And he said he wasn't who you were looking for and
18 he didn't want to talk to you and shut the door and you
19 forced your way in and Tased him.

20 A. It didn't happen like that.

21 Q. Okay. And he wasn't the suspect you were looking
22 for, was he?

23 A. No, he wasn't.

24 Q. Now, he might have a different view of whether or
25 not your use of the Taser was okay in that case, wouldn't

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1 he?

2 A. Everybody has their own view, yes.

3 Q. And the other one you talked about, about the guy
4 that had been stopped in the Mercedes by another officer
5 and -- for DUS and there were four officers there, you
6 and another officer dragged him out of the car, after --
7 after you dragged him out of the car a third officer
8 arrived and that guy was being held down on the asphalt
9 with one cop on each side of him holding his arms when
10 you said back up I'm going to Tase him and Tased him in
11 the back?

12 A. I did.

13 Q. So -- and that was approved by the North
14 Charleston police department, correct?

15 A. I guess it was.

16 Q. So -- and I'm not saying that there's anything
17 wrong about that, but the use of your Taser can also say
18 something about your temperament, can't it?

19 A. No, because the ones we went over today, the
20 subject was physically assaulting the victim or someone
21 else and --

22 Q. Sometimes they were, sometimes they weren't?

23 A. Right.

24 Q. Sometimes they were just running?

25 A. And the safest is the Taser. So I don't want to

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1 get into a fight with a person when I can use a Taser
2 that's going to cause less harm to that person than me,
3 than an actual fist fight.

4 Q. Or you could in this case and I know Lieutenant
5 Humphries wouldn't agree to it, but you could have just
6 taken his license, his car, and if I wanted to arrest him
7 for anything, you could have gotten a warrant and
8 arrested him?

9 A. At that time I didn't have any charges on him
10 except he was not free to leave.

11 Q. Well, you know, you thought it was serious enough
12 that you chased him and Tased him?

13 A. That's what police officers do.

14 Q. Okay.

15 A. That's our job, we can't just ignore crime.

16 Q. Well, yeah, I guess that's true except you didn't
17 really have any information that he committed a crime
18 other than traffic stuff.

19 A. I think I stated had he was detained at the
20 traffic stop. When he got out of the vehicle he was
21 instructed to sit back in the car and he was not free to
22 leave.

23 Q. And are you trained to de-escalate situations?

24 A. I haven't have any de-escalation training, no.

25 Q. Do you think that's a good thing for officers to

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1 de escalate?

2 A. Yes, the training is useful, yes, but like I say I
3 haven't had any training.

4 Q. In behind sight do you think you made good
5 decisions that day even though it was within policy?

6 A. With all the facts and information that I had at
7 that time, yes, but then going back, 18 months later and
8 looking at everything, things could have been different.

9 Q. And getting back to the use of force incidents and
10 the review, your immediate sergeant on the day of this
11 since again was Sergeant James Gann, correct?

12 A. Yes.

13 Q. And are were you aware he wrote a report clearing
14 you on April the 6 of 2007 of any violation of policy
15 before this video came out?

16 A. I haven't seen that report, no.

17 Q. Now, you would agree, would you not, sir, that you
18 are human like the rest of us?

19 A. Yes.

20 Q. And would you agree that you encounter times of
21 happiness and sadness and despondency, just like anybody
22 else?

23 A. Yeah, I think everybody does.

24 Q. And would you agree that just like everybody else,
25 when you're provoked, you get angry?

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1 A. Not as a police officer, no.

2 Q. So you're immune from becoming angry because you
3 are a police officer?

4 A. You can't take the work home with you, and you
5 can't do that because every day -- it happens every day.

6 Q. I understand that, so your testimony is that when
7 a suspect fights with you?

8 A. Yes.

9 Q. That you do not have any emotional reaction at to
10 that at all?

11 A. No, I'm not angry. I'm just doing my job.

12 Q. And so never get angry, never get frustrated?

13 A. No.

14 Q. Never get any of that because you're immune from
15 that when you put on the blue?

16 A. People aren't -- I'm not immune from it, I've
17 learned over the years not to take it to heart.

18 Q. Okay. And you're obviously an emotional guy
19 because you were shedding tears on direct during today's
20 testimony, correct?

21 A. Correct.

22 Q. You didn't shed a tier on April 4, 2015, did you?

23 A. That's a whole different situation to the fact
24 that everything that led up to that, the stress, my mind
25 was like spaghetti, a different kind of incident. (Led

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1 up.

2 MR. DuRANT: Court's indulgence. Would you
3 please answer any questions Mr. Savage has for you.

4 THE COURT: Redirect in.

5 MR. SAVAGE: Briefly.

6 THE COURT: Yes, sir.

7 REDIRECT EXAMINATION

8 BY MR. SAVAGE:

9 Q. Mr. Slager, I want to be sure that the jury is
10 clear on the distinction between knowledge today and the
11 knowledge you had when you employed lethal force against
12 Mr. Scott.

13 A. Okay.

14 Q. I want you to look at page eight of the 24 page
15 record of Mr. Scott of the information you did not have
16 on April 4th. Did you put any information to the FBI's
17 history of Mr. Scott?

18 A. No, I did not.

19 Q. What did the FBI say on April 4 of 2015 about
20 Mr. Scott?

21 A. Wanted person, caution, armed and dangerous,
22 violent ten densities.

23 Q. Did you have that knowledge on April 4th?

24 A. I did not.

25 Q. Would you have gotten out of your patrol car if

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1 that information had come on your computer screen?

2 A. Absolutely not.

3 Q. There is some question here about your knowledge
4 of a video. Are you familiar or were you familiar over
5 the years with Craig Street and the yellow brick road
6 area?

7 A. I am, yes.

8 Q. Is that area under surveillance by private
9 residences and businesses?

10 A. I'm pretty sure there's the Auto Zone store at the
11 corner, there's a couple other businesses then off of
12 yellow brick road there's an apartment complex that has a
13 really big sign that says under individual year
14 surveillance or video surveillance, something like that.

15 Q. It says under video surveillance?

16 A. Either that or video surveillance or cameras to
17 that effect, yes.

18 Q. On April 4, 2015?

19 A. Yes.

20 Q. On the location exactly where this incident took
21 place?

22 A. Correct.

23 Q. Since we have been talking about what you know now
24 from the videotape and audiotape, did you acknowledge
25 today continuously instruct Mr. Scott to get on the

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1 ground?

2 A. Yes.

3 Q. Did you curse him?

4 A. No, I did not.

5 Q. Did you use any racial epithets?

6 A. No.

7 Q. Did you do anything to indicate that you were
8 angry at him other than for him to get on the ground?

9 A. No.

10 Q. Did he yell at you do you know now after listening
11 to the audiotape?

12 A. After listening to the audio, yeah.

13 Q. Did you learn that he said fuck the police?

14 A. Yes.

15 Q. Did you react to that?

16 A. No, I did not. I don't remember.

17 Q. And did you warn him before these shots were fired
18 just as you had warned him about the use of your Taser?

19 A. Yes. You can hear on the video.

20 Q. The prosecutor asked you if you had feelings like
21 other human beings. As part of your responsibilities of
22 a police officer, are you trained to control your
23 emotions?

24 A. Yes.

25 Q. So the type of disparaging remarks that were made

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1 to you that day is part of the job?

2 A. That's correct. It's part of job.

3 Q. People who drink that say that. People who are
4 high say that. People who are angry say that. You hear
5 it all day long.

6 A. Yes.

7 Q. F the police?

8 A. Multiple times a day.

9 Q. People wear it on their T-shirts?

10 A. Yes.

11 Q. Now, Mr. Slager, look at this jury and tell them
12 whether you were happy on April 4th or whether you have
13 been happy any day since April 4th?

14 A. I was happy before on the th because Easter was
15 the next day and I had off the few days, spend time with
16 my family and after April 4th, it's been a roller
17 coaster. Can't sleep, nightmares. When I was in jail,
18 the only thing they wanted to do was give me medicine to
19 calm down. They wouldn't even talk to me. I remember
20 the doctor who is in charge of mental health came into my
21 cell and said I, I'll give you whatever medicine you
22 want, so, you know, it was a roller coaster. My family
23 has been destroyed by this. The Scott many family has
24 been destroyed by this. It's horrible. You know, I
25 don't know. I just --

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1 Q. When you were in jail who was in the cell next to
2 you?

3 A. Dylan Roof.

4 MR. SAVAGE: Answer any questions the
5 prosecutor might have.

6 THE COURT: Recross?

7 MR. DuRANT: I have nothing further, Your
8 Honor.

9 THE COURT: All right. You may step down.

10 Ladies and gentlemen: We're going to take
11 one hour for lunch at this time. Please do not discuss
12 the case.

13 (In open court, jury not present.)

14 THE COURT: Mr. Savage, how many more
15 witnesses do you anticipate?

16 MR. SAVAGE: We still have an outside chance
17 of today, Your Honor, but it's growing dim, but I
18 would -- if we go into tomorrow -- there's falsity in the
19 numbers. We have one, maybe two witnesses that might be
20 of any significant length of time and three or four that
21 will be ten minutes. Andy's ten minutes.

22 THE COURT: All right. Well, we'll reconvene
23 in one hour.

24 (Recess taken.)

25 AFTERNOON SESSION